

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JOSEPH THOMAS; VERNON AYERS;  
and MELVIN LAWSON**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 3:18-cv-441-CWR-FKB**

**PHIL BRYANT, Governor of the State of  
Mississippi; DELBERT HOSEMANN,  
Secretary of State of the State of Mississippi;  
and JIM HOOD, Attorney General of the  
State of Mississippi, all in their official capacities  
of their own offices and in their official capacities  
as members of the State Board of Election Commissioners**

**DEFENDANTS**

**DEFENDANTS' SUPPLEMENTAL AUTHORITY MEMORANDUM  
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants file this supplemental authority memorandum in support of their motion for summary judgment [doc. #19] ("Motion") as new and undisputed facts that go to the very crux of Defendants' laches argument, and that might otherwise escape the Court's attention, were only recently revealed through discovery.

As a reminder, the doctrine of laches applies "when plaintiffs (1) delay in asserting a right or claim; (2) the delay was not excusable; and (3) there was undue prejudice to the party against whom the claim was asserted." *Tucker v. Hosemann*, 2010 WL 4384223, at \*4 (N.D. Miss. Oct. 28, 2010) (citing *Save Our Wetlands, Inc. v U.S. Army Corps of Engineers*, 549 F. 2d 1021, 1026 (5th Cir. 1977)). Defendants' Motion and accompanying memorandum [doc. #20] lay out in detail the facts and legal authorities supporting each prong of the laches defense. However, additional information concerning the second laches prong—that the delay was not excusable—

has only recently come to light. Because this new information bears greatly in support of Defendants' laches argument, it is necessary to bring to the Court's attention.

On January 16, 2019, after oral argument on the Motion, Plaintiff Joseph Thomas ("Thomas") was deposed by counsel for Defendants. During the deposition, Thomas repeatedly admitted that in 2012, as a long-standing participant in the electoral and political process in the Mississippi Delta,<sup>1</sup> he was aware of the drafting and implementation of the 2012 Mississippi Senate Reapportionment Plan ("Plan"), which included those lines of Senate District 22 ("District 22), that he now challenges. Specifically, the following exchange occurred between Defendants' counsel and Thomas:

Q. In your own words, can you describe for me the claims that you and the other plaintiffs are making in this lawsuit?

A. We filed the lawsuit because we felt -- I felt that and others likewise that we were in a situation that was unfair and unlawful.

Q. Can you elaborate on what that situation was and what about it made you feel that it was unfair and unlawful?

A. Well, I was in a district, District 21 that was a winnable district. You know, when you say one thing and do something else, but I was in a district that was a winnable district. When the state set up these districts, then it need [sic] to be done in a fair and lawful way.

Q. Okay. So --

A. And I was moved out of 21 into 22 and the numbers changed in 22, but the common interest, our bond did not change. It's a black district. *Should have been a minority district, a winnable minority district and that wasn't the case.*

Q. So let's establish the timeframe that we're talking about. When were you moved out of District 21 and into 22?

A. I was in 21 and they done the 2010 census. So probably when there was -- around 2012 when --

Q. Reapportionment was done?

A. Yeah. So I was moved out and put into 22. *And when I start looking at the numbers in 22, that's when I picked up that that wasn't really a black district, a minority district. I say a black, minority district. It wasn't even reasonable to have a district like that. And that's when I started to -- one of the things, you know, the district, you're looking at Washington, Bolivar, Humphreys, Sharkey, Yazoo and Madison was a sore spot.*

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<sup>1</sup> Thomas served as state senator for Senate District 21 for one term from 2004 to 2008 until defeated in the primary in his bid for re-election. *See* Tr. of Depo. of Joseph Thomas, pp. 20-21 (attached hereto as "Exhibit 1").

Tr. of Depo. of Joseph Thomas, pp.19-20 (attached hereto as “Exhibit 1”) (emphasis added).

Not only was Thomas aware of the composition of District 22 in 2012, he actively engaged the United States Department of Justice (“DOJ”) during that period to not preclear the Plan:

Q. Okay. Did you confer with anybody in the senate about your concerns over the district and the new configuration of the district from a racial standpoint?

A. I had, you know, as I got information, *I had been talking to people like Chris Herron, who is Chief of Civil Rights Division in Washington, DC.*

Q. At justice?

A. *Justice, yeah.* People like Rush Noble, you know, trying to get them to intervene. Because I think as far as the state, all of this was pretty much set. They had voted on this and all that. I didn't have any say so in that. I wasn't even there. But it had already been agreed upon and all that had been done. I was trying to keep the Justice Department from preclearing it or from approving that, which to no avail.

Q. Well, let me ask you this. Why were you trying to keep the Justice Department from preclearing it?

A. Because it wasn't a minority district.

Q. Okay.

A. And we didn't have enough minority districts in the first place based on our population of this state. It was just -- just wasn't fair.

Q. *Okay. So did you contact the Justice Department to complain of a violation?*

A. *Yes.*

*Id.* at pp. 21-22 (emphasis added).

After this exchange, Thomas was presented with a letter dated August 20, 2012, that he signed and submitted to Chris Herron at DOJ. *Id.* at p. 22. In this letter, which was marked as Exhibit 2 to the transcript, Thomas wrote the following:

08/20/2012

Mr. Chris Herron  
Chief, Voting-Civil Rights Division  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenues, N W  
Washington, D C 20530

Dear Mr. Herron,

This letter is a request for the Department of Justice to look hard at the Mississippi Senate Redistricting plan. **This plan has violated section 5 and 2 of the Voting Right Bill.** Please take a look at District 21, 22, 34, City of Yazoo MS, and the overall plan that reduce blacks voting strength.

Fact:

Mississippi has over 37% black population with a large percentage being in the Mississippi Delta. District 21 was moved out of Yazoo City which was the beginning of the Mississippi Delta. Yazoo City was in District 21 which had a 66.02% 18+BLK. Now the new State Plan reduces Yazoo City to a 50.77, which will not allow us to elect a black. District 22 is 50.77% black. This district consists of all black towns and cities in the Mississippi Delta. This includes Hollandale, Belzoni, Louise, Isola, Rolling folk, Yazoo City and many other smaller towns. Most of these cities and towns are over 80 to 90% Black. Example- Yazoo City's population is around 11,000-85% black with a black Mayor and four out of five black Aldermen.

Mississippi's plan says District 22 is one of the 15 black senate Districts. They failed to tell that it is a Federal Prison in Yazoo City with a population way over 2000 inmates. These inmates cannot vote and will make this district fall below 50% black. The Senator in this District is white and lives in Hollandale a majority black city and no black has been able to win in this district. The reason is they all way go out of the community of common interest to fine white voters when they have enough black voters in these cities and towns. District 22 denies black voters by going over 80 miles from a white Senator's hometown, a rural community to an urban community in Madison County- (Gluckstadt MS) - nine miles from Jackson, Mississippi the State Capital. This area is an upscale white community, with no common interest to the very poor Mississippi Delta.

Finally, the State Plan clearly reduces over 17 impact districts with 30 to 40% black population. These districts were doing well and had influences with numbers.

Once again please do not approve Mississippi's plan.

Sincerely,

  
Joseph C. Thomas

*Id.* at Exh. 2 to the Tr. (emphasis added). In discussing the letter and the Plan's alleged violation of the Voting Rights Act, the following discussion occurred between Defendants' counsel and Thomas:

Q. Will you explain to me who Mr. Herron is and why he's [sic] sending this letter?

A. Okay. He was the Chief Voting -- over the Voting Civil Rights Division for US Department of Justice.

Q. Okay. What made you send this letter to him?

A. He was over the division, so I wanted some help.

Q. Help to do what?

A. To -- not to get -- not to approve the State's plan. Not to approve the State's plan.

Q. On what basis did you believe it shouldn't be approved?

A. Because it wasn't a black winnable district. So why say it was a minority district?

Q. *Would it be fair to say that your concern was rooted in the fact that you didn't feel like it complied with the Voting Rights Act?*

A. Yes.

...

Q. And you were trying to -- strike that. What were you trying to communicate through these letters and phone calls to the Justice Department about Mississippi's senate plan?

A. It wasn't fair.

Q. *When you say it wasn't fair, are you trying to say that it was illegal under the Voting Rights Act?*

A. *I'm going to say that the Voting Right Act, in my imagination would not allow this type of shenanigans.*

*Id.* at pp. 23; 25 (emphasis added).<sup>2</sup>

Finally, Thomas readily admitted that he was not surprised he lost the 2015 election for state senator from District 22 because of the composition of the Plan, as submitted to DOJ in 2012:

Q. But is it fair to say that you're telling me you were not surprised by the result of the election in 2015, because that's what you expected would happen?

---

<sup>2</sup> Thomas also stated that other groups, like the Yazoo County chapter of the NAACP, also sent letters to DOJ in 2012 expressing his same concerns. *Id.* at pp. 26-28.

A. *Yeah, I think most people did.*

Q. Based on what?

A. Based on the plan that was submitted telling us that we had so many minority districts and presenting that [to] the Justice Department. And that wasn't the case.

Tr. at p.30 (emphasis added).

As required by the doctrine of laches, Plaintiffs have failed to even posit an excusable reason for their six-year delay in bringing the instant action. Not in their response in opposition to the Motion [doc. #23], not in the accompanying memorandum [doc. # 24], and not even at the oral argument on the Motion. But, as just laid bare, this is because there is no excusable reason—the lead Plaintiff, dating back to 2012, had actual knowledge of the Plan and openly contested it as violating Section 2 of the Voting Rights Act. *See Maxwell v. Foster*, 1999 WL 33507675 (W.D. La. Nov. 24, 1999). (“given the level of knowledge attributable to [plaintiffs], the delay *cannot be anything but inexcusable*.”). The other two plaintiffs, regardless of their actual knowledge, certainly should have known of the Plan in 2012 through reasonable diligence. *See White v. Daniel*, 909 F. 2d 99 (4th Cir. 1990) (finding the plaintiffs’ delay as inexcusable because the “plaintiffs, in the exercise of reasonable diligence, could have discovered at a much earlier time the facts upon which they now base their claim ...”).

All this and yet, here the parties are well over six years later, under an extremely compressed and challenging trial calendar and in the middle of current election deadlines, all of which could have been avoided had Plaintiffs not knowingly sat on their rights. This is the very reason the doctrine of laches exists. Plaintiffs’ six year delay is simply, inexcusable. This, in addition to Defendants’ full laches analysis in their Motion and accompanying memorandum only further strengthens Defendants’ equitable position.

WHEREFORE, premises considered, Defendants pray this Court enter an Order granting their Motion for Summary Judgment.

RESPECTFULLY SUBMITTED, this the 25th day of January, 2019.

Governor Phil Bryant, Secretary of State Delbert Hosemann, and Attorney General Jim Hood in their official capacities of their respective offices and in their official capacities as members of the State Board of Election Commissioners

BY: /s/ Tommie S. Cardin

TOMMIE S. CARDIN (MB # 5863)

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**CERTIFICATE OF SERVICE**

I, Tommie S. Cardin, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED this, the 25th day of January, 2019.

/s/ Tommie S. Cardin  
TOMMIE S. CARDIN



"EXHIBIT 1"

## **Joseph Thomas, et al. v. Phil Bryant, Governor of the State of MS, et al.**

**Joseph Thomas**

**January 16, 2019**

All depositions & exhibits are available for downloading at

[<www.brookscourtreporting.com>](http://www.brookscourtreporting.com)

Please call or e-mail [depo@brookscourtreporting.com](mailto:depo@brookscourtreporting.com) if you need a  
**Username and Password.**



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Joseph Thomas 1/16/2019

Page 1

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Attorney General of the State of Mississippi, all  
in their official capacities of their own offices  
and in their official capacities as members of  
the State Board of Election Commissioners

DEFENDANTS

DEPOSITION OF JOSEPH THOMAS

Taken at the instance of the Defendants at the  
offices of Robert McDuff, 767 N. Congress Street,  
Jackson, Mississippi on Wednesday, January 16, 2019,  
beginning at 1:14 p.m.

REPORTED BY: LORI W. BUSICK  
Brooks Court Reporting  
12 Lakeland Circle, Suite A  
Jackson, Mississippi 39216  
(601)362-1995

Joseph Thomas 1/16/2019

Page 2	Page 4
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Page 3	Page 5
<p>1 BENJAMIN E. GRIFFITH, ESQ.</p> <p>2 Griffith Law Firm</p> <p>3 2086 Old Taylor Road, Suite 1023</p> <p>4 Oxford, Mississippi 38655</p> <p>5 CONSULTANT FOR DEFENDANTS</p> <p>6 ALSO PRESENT: EMILY W. KRUGER, ESQ.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Joseph C. Thomas,</p> <p>2 having been first duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4</p> <p>5 MR. GRIFFIN: For the court reporter, I</p> <p>6 will ask everyone, for the record, to identify</p> <p>7 themselves. I'm Charles Griffin along with Tommie</p> <p>8 Cardin representing the defendants.</p> <p>9 MS. MIRACLE: Douglas Miracle from the</p> <p>10 Attorney General's Office, also on behalf of</p> <p>11 Attorney General, Jim Hood.</p> <p>12 MS. KRUGER: Emily Kruger on behalf of</p> <p>13 Governor, Phil Bryant.</p> <p>14 MR. McDUFF: Rob McDuff representing the</p> <p>15 plaintiffs. And on the telephone are Beth Orlansky,</p> <p>16 who's cocounsel for the plaintiffs. Also, Jon</p> <p>17 Greenbaum, Arusha Gordon and Pooja Chaudhuri. And I</p> <p>18 can give you the spellings later.</p> <p>19 MR. GRIFFITH: I'm Ben Griffith appearing</p> <p>20 on behalf of the defendants as a consultant.</p> <p>21</p> <p>22 EXAMINATION BY MR. GRIFFIN:</p> <p>23 Q. Would you identify yourself, for the</p> <p>24 record, please?</p> <p>25 A. My name is Joseph C. Thomas.</p>

2 (Pages 2 to 5)

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Joseph Thomas 1/16/2019

Page 6

Page 8

1 Q. And what's your address, Mr. Thomas?  
 2 A. My address is 820 Prentiss Avenue in Yazoo  
 3 City, Mississippi.  
 4 Q. And are you here pursuant to a Notice of  
 5 Deposition?  
 6 A. Yes.  
 7 Q. I want to ask that you look at this and  
 8 tell me if that's the Notice of Deposition that  
 9 you're here pursuant to? You can feel free to let  
 10 your counsel look at it.  
 11 A. Okay.  
 12 MR. GRIFFIN: I'd ask that that be marked  
 13 as Exhibit 1 to the deposition.  
 14 (Exhibit 1 marked for identification.)  
 15 BY MR. GRIFFIN:  
 16 Q. Mr. Thomas, please state your full name,  
 17 occupation, age and date of birth, for the record.  
 18 A. My full name is Joseph Charles Thomas, C  
 19 stands for Charles. I'm a retired banker of 30  
 20 years with Regions Bank.  
 21 Q. Which location?  
 22 A. Pretty much I was Yazoo, but I did work  
 23 statewide.  
 24 Q. And what was your title?  
 25 A. I was the vice president of the bank.

1 A. Did I have any trouble? It was -- at that  
 2 time it was some trouble, not necessarily I had  
 3 trouble but my people had trouble.  
 4 Q. All right. When you say your people,  
 5 African Americans?  
 6 A. African American.  
 7 Q. Do you recall how many elections you've  
 8 voted in since you registered to vote?  
 9 A. Just about all. I mean, I went to  
 10 college. I might have missed some when I was in  
 11 school but most all of them.  
 12 Q. Where did you go to college?  
 13 A. Jackson State.  
 14 Q. What organizations are you involved in  
 15 either political, civic, charitable, educational,  
 16 social or otherwise?  
 17 A. Actively involved, have been involved  
 18 with?  
 19 Q. Both?  
 20 A. Okay.  
 21 Q. As you define them, describe whether or  
 22 not you're still activity involved?  
 23 A. Okay. Well, I've been a community leader  
 24 all my life basically even in college. So when I --  
 25 I decided to stay in Yazoo City back in 1970 -- in

Page 7

Page 9

1 Q. What's your current age?  
 2 A. Sixty-nine.  
 3 Q. Okay. And date of birth?  
 4 A. 6/25/49.  
 5 Q. How long have you lived in what is  
 6 currently Mississippi Senate District 22?  
 7 A. I lived in 21 and I was moved out of 21  
 8 into 22.  
 9 Q. When was that?  
 10 A. That was prior to 2015, after the 2012  
 11 census -- 2012 arrangement that was made.  
 12 Q. How long have you been a registered voter  
 13 in the state of Mississippi?  
 14 A. Since I was 18.  
 15 Q. Do you recall where you registered to  
 16 vote?  
 17 A. Yazoo County.  
 18 Q. Would you describe for me the process in  
 19 which you went through to register to vote?  
 20 A. At that time when I was 18 and I'm 69 now.  
 21 Basically --  
 22 Q. As best you can recall?  
 23 A. I went to the courthouse and registered.  
 24 Yeah.  
 25 Q. Did you have any trouble --

1 the '70s. So I was blessed to get a job at a local  
 2 bank. And the name of that bank was Delta National  
 3 Bank in Yazoo City, which we had the largest bank in  
 4 Yazoo County. So you know that was right up my  
 5 alley in terms of reaching out to our community.  
 6 So I was a representative of the bank and  
 7 loan officer. Basically I was involved in a lot of  
 8 activities. You're trying to wait on me to name  
 9 some. Yazoo County Fair Civic League would be one,  
 10 and I'm still activity involved. And we had a  
 11 community center for the community and we reached  
 12 out and we built houses for the elderly and  
 13 handicapped. So we have 238 units of housing for  
 14 elderly and handicapped citizens. That would be one  
 15 organization. Yazoo County Fair and Civic League.  
 16 Yazoo County Chapter of NAACP. We had,  
 17 you know, just -- I wore a lot of hats. Our Utility  
 18 Public Service Commission, Public Service Commission  
 19 of Yazoo City. I served on the board. And I was  
 20 the first black to -- from this region to serve on  
 21 the National Board of Directors of APPA, American  
 22 Public Power Association. That's cities that own  
 23 their own water, lights -- utilities, public  
 24 utilities. I started out by serving -- to serve on  
 25 that board you had to serve on your local utilities.

3 (Pages 6 to 9)

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Joseph Thomas 1/16/2019

Page 10	Page 12
<p>1 So I served on local utility. And then I was 2 elected to APPA National Advisory Board. I chaired 3 the National Advisory Board for APPA, which United 4 States and about 20 countries. Also, I was on the 5 National Board of Directors for American Public 6 Power Association. All of this is in the past now. 7 Q. Okay. 8 A. I was basically -- Boys and Girls Club. I 9 helped to organize our Boys and Girls Club in Yazoo 10 City. I worked with -- let me back up. I was -- on 11 the political side I worked with Robert Clark. When 12 Robert ran for congress the numbers were not there, 13 but I helped him. Mike Espy -- I done the FEC 14 filings to help Robert. I was Treasurer for Mike 15 Espy when he ran for congress. I done the FEC 16 filings for him while I was at the bank basically. 17 I worked with governor Bill Waller. I was his 18 co-treasurer last time he ran for governor in I 19 believe 1987. 20 So I've been involved politically behind 21 the scenes with individuals. 22 Q. Did you ever serve on a political action 23 committee or political executive committee? 24 A. I've served like community action. I was 25 on the board of Community Action Agency. Head</p>	<p>1 other thing. I served on -- I helped to put 2 together the Appraisal Board for our state when we 3 had the Savings and Loan fiasco. 4 Q. Right. 5 A. And they mandated every state had to set 6 up their own appraisal board that was in line with 7 federal government. So I helped to -- because I 8 wasn't a licensed appraiser to appraise real estate 9 or forestry. So I helped to set up that board on 10 loan from my bank, Deposit Guaranty made me 11 available to help. And we also invested funds to 12 help set that State Appraisal Board up. 13 Q. Now, at what point did you transition from 14 being an employee of Delta National to Deposit 15 Guaranty? 16 A. It was merger in 1981. We went through a 17 lot of mergers. 18 Q. Okay. 19 A. Same bank. 20 Q. Same bank? 21 A. Uh-huh (affirmative response). 22 Q. Were you a member of a fraternity during 23 this time period or a Masonic temple or anything 24 like that? 25 A. No. I've been a Mason, but no.</p>
Page 11	Page 13
<p>1 Start, I've worked with Head Start. 2 Q. That's Yazoo County? 3 A. Yeah. Many years, yeah. Public service, 4 I worked with the state -- when I was back with 5 Public Service Commission I also worked with various 6 organizations dealing with public utilities for 7 cities. 8 Q. You worked for the Public Service 9 Commission? 10 A. Not the state. 11 Q. Okay. 12 A. When I say cities that had their on trade 13 association dealing with public utilities. For 14 instance, we're a generating city in Yazoo and we 15 had three sister cities, Clarksdale -- Greenwood and 16 Clarksdale. But in our trade association we had 17 like seven cities that were part of our group. And 18 we called that MEA, Mississippi Energy Association. 19 Q. I got you. 20 A. And so, we dealt mainly in transmission of 21 utility of electric. Some cities had water and some 22 had lights and some had gas. Canton is one our 23 cities. 24 But 45 years that's all I've done is 25 worked in community, not just our community -- one</p>	<p>1 Q. Where were you a Mason and when? 2 A. Yazoo City Lodge No. 216 back in the '70s. 3 Q. So you're no longer active? 4 A. No. 5 Q. Do you recall what, if anything, you had 6 to do with the D.W. Wilburn Scholarship Foundation? 7 A. I'm one of the founders of the D.W. 8 Wilburn Foundation. James Robinson was our 9 President and I was Vice President of the D.W. 10 Wilburn Foundation. 11 Q. What does that foundation do? What's the 12 charter? 13 A. We give scholarships and book awards, 14 church awards to anybody that lives in Yazoo County, 15 Mississippi. 16 Q. Who was D.W. Wilburn? 17 A. He was a retired educator, long-time 18 retired. He was dean of students at Jackson State 19 and he was -- he really retired from Alcorn State 20 under Dr. Walter Washington's tenure. He was 21 long-time register at Alcorn State. He was from 22 Yazoo County, too. 23 Q. Did you know him before the bank? 24 A. Yes. I knew him and he -- like I said, we 25 set up -- James Robinson set up the foundation, but</p>

4 (Pages 10 to 13)

Joseph Thomas 1/16/2019

Page 14

we had -- Dr. Walter Washington was one of the founders, former President of Alcorn State. And we had Dr. Walter Reed former Athletic Director at Jackson State. We had several others that were on that on our board. All of them are pretty much deceased except maybe two now.

Q. Are you still active with it?

A. Yeah, I'm the Vice President. James Robinson passed last year. He lived in Indianapolis, Indiana. He passed, so we don't have a President at this time.

Q. Okay.

A. But I was the Vice President. And we made available -- had a few scholarships to individuals, we had two-folds. On the Alcorn side, we give a \$5,000 scholarship to any student that want to attend Alcorn each year. And then we give book awards and smaller scholarships to students that want to attend Jackson State or Alcorn.

Q. Would that be any student from Yazoo County?

A. From Yazoo County, yeah. That was the stipulation. Mr. Wilburn -- well, Mr. Wilburn set that up the way he -- in terms of the \$5,000 scholarship, you had to be from Yazoo County.

Page 16

Foundation, we raise money basically. The former governor Haley Barbour, he on the foundation. Leland Speed. We've had -- I'm just naming some people. We had a group and basically what we did -- the last fund I worked on before I went into the senate was -- we had a \$50 million capital fund. We was trying to raise \$50 million for the school, for the University.

Q. Did you all achieve that goal?

A. Yes, sir, as far as I know. I left -- we was pretty close when I left.

Q. Do you recall what year you left?

A. 2004 probably. Ronald, Dr. Ronald Mason was the President at that time. I left when I ran for the senate. And when I got elected in District 21 I left. Also the utility, I got off the board of the utility also. I wanted to spend all of my time or most of my time on serving my --

Q. Constituents?

A. That's right.

Q. I believe you also were a member of the Yazoo County Fair?

A. I mentioned that. The housing for the elderly and handicapped.

Q. That's not the same a commission that

Page 15

And Mr. Wilburn, he donated \$100,000 to Alcorn State and Tom Joiner (sic) Foundation matched that with \$100,000. And they've gave \$200,000 that Alcorn State holds the funds we just designate who get --

Q. Interest?

A. No, who get the scholarships.

Q. Okay.

A. And I don't chair that. That's a gentleman named Joe Smith, he chairs that in terms of, he works with -- Mr. Wilburn was a trustee at St. Stephen's United Methodist Church. And so the pastor of that church and the principal of high school and Joe Smith and Ms. Kathryn Grant, they decide who gets that \$5,000 scholarship, not the D.W. Wilburn Foundation.

Q. Okay. Now, you also have a relationship with the National Development Foundation?

A. Jackson State University. And I'm a past board member of the Jackson State National Development Foundation.

Q. Can you tell me what that is?

A. We're talking about Jackson State, right?

Q. Yes.

A. Okay. Jackson State Development

Page 17

would have entertainment?

A. No.

Q. It's something else?

A. We were the Yazoo -- T.J. Huddleston Secretary Espy's grandfather was one of the founders of the Yazoo County Fair Civic League. And we had the first -- well, he had the first hospital for blacks in the state. First -- we had a chain of funeral homes and all of that.

But anyway, he started the Fair and Civic League, Yazoo County Fair and Civic -- and at that time you could not -- they had the negro fair and the white fair. And it was a fair, you know, county fair. Candy and activities and animals and all that stuff. And it evolved into a county fair where the fair would come -- just like a county fair. They had the white county fair and the black county...

But later on we wanted to do more. So what we did -- we needed a community center. So we put together an application and got a grant from the federal government to build a community center. And we named the community center Dr. L.T. Miller, who was the first medical director at the black hospital under T.J. Huddleston, director. So that's where the Fair and Civil League -- and then later on we

5 (Pages 14 to 17)

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Joseph Thomas 1/16/2019

Page 18	Page 20
<p>1 did the housing for elderly and handicapped. We</p> <p>2 have a unit here in Jackson that's -- the</p> <p>3 organization. I'm not on the board anymore. I got</p> <p>4 off the board. I'm still a member.</p> <p>5 Q. When did you get off the board?</p> <p>6 A. When I went into the senate.</p> <p>7 Q. Okay.</p> <p>8 A. I had so much, I had to get --</p> <p>9 Q. You had to get off?</p> <p>10 A. Yeah. I had a lot of stuff going on.</p> <p>11 So...</p> <p>12 Q. But you're still a member?</p> <p>13 A. Still a member.</p> <p>14 Q. Okay.</p> <p>15 A. Be we got a lot of members now.</p> <p>16 Q. What does your membership entail?</p> <p>17 A. For the Fair and Civic League.</p> <p>18 Q. Yes.</p> <p>19 A. It's -- basically anybody can be a member</p> <p>20 of the Yazoo County -- we were the Negro Fair</p> <p>21 Association and we had to drop the name negro to get</p> <p>22 the funds from the federal government to build a</p> <p>23 community center. So instead of negro, we said</p> <p>24 Yazoo County. Same folks.</p> <p>25 (Laughter.)</p>	<p>1 Q. So let's establish the timeframe that</p> <p>2 we're talking about. When were you moved out of</p> <p>3 District 21 and into 22?</p> <p>4 A. I was in 21 and they done the 2010 census.</p> <p>5 So probably when there was -- around 2012 when --</p> <p>6 Q. Reapportionment was done?</p> <p>7 A. Yeah. So I was moved out and put into 22.</p> <p>8 And when I start looking at the numbers in 22,</p> <p>9 that's when I picked up that that wasn't really a</p> <p>10 black district, a minority district. I say a black,</p> <p>11 minority district. It wasn't even reasonable to</p> <p>12 have a district like that. And that's when I</p> <p>13 started to -- one of the things, you know, the</p> <p>14 district, you're looking at Washington, Bolivar,</p> <p>15 Humphreys, Sharkey, Yazoo and Madison was a sore</p> <p>16 spot.</p> <p>17 Q. When you were in 21, did you have any role</p> <p>18 with redistricting?</p> <p>19 A. No.</p> <p>20 Q. Which committees were you on?</p> <p>21 A. This happened after I was out of the</p> <p>22 senate, that part.</p> <p>23 Q. Okay.</p> <p>24 A. I still can tell you the committees I was</p> <p>25 on, but...</p>
Page 19	Page 21
<p>1 Q. Now, as you know we're here about a</p> <p>2 lawsuit that you filed a long with Vernon Ayers and</p> <p>3 Melvin Lawson, correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. In your own words, can you describe for me</p> <p>6 the claims that you and the other plaintiffs are</p> <p>7 making in this lawsuit?</p> <p>8 A. We filed the lawsuit because we felt -- I</p> <p>9 felt that and others likewise that we were in a</p> <p>10 situation that was unfair and unlawful.</p> <p>11 Q. Can you elaborate on what that situation</p> <p>12 was and what about it made you feel that it was</p> <p>13 unfair and unlawful?</p> <p>14 A. Well, I was in a district, District 21</p> <p>15 that was a winnable district. You know, when you</p> <p>16 say one thing and do something else, but I was in a</p> <p>17 district that was a winnable district. When the</p> <p>18 state set up these districts, then it need to be</p> <p>19 done in a fair and lawful way.</p> <p>20 Q. Okay. So --</p> <p>21 A. And I was moved out of 21 into 22 and the</p> <p>22 numbers changed in 22, but the common interest, our</p> <p>23 bond did not change. It's a black district. Should</p> <p>24 have been a minority district, a winnable minority</p> <p>25 district and that wasn't the case.</p>	<p>1 Q. Did you leave the senate before the</p> <p>2 district changed?</p> <p>3 A. I did. I didn't leave, I lost.</p> <p>4 Q. Okay. Let's walk up to that election.</p> <p>5 A. Okay.</p> <p>6 Q. The election that you lost was in what</p> <p>7 year?</p> <p>8 A. 2008 -- 2007.</p> <p>9 Q. And the demographics in your district at</p> <p>10 that time, was that District 21?</p> <p>11 A. 21, that's right.</p> <p>12 Q. The demographics changed when, for that</p> <p>13 district?</p> <p>14 A. After the 2008 election. After the 2010</p> <p>15 census, which we're looking at what, 2012 or so.</p> <p>16 Q. Okay. Did you confer with anybody in the</p> <p>17 senate about your concerns over the district and the</p> <p>18 new configuration of the district from a racial</p> <p>19 standpoint?</p> <p>20 A. I had, you know, as I got information, I</p> <p>21 had been talking to people like Chris Herron, who is</p> <p>22 Chief of Civil Rights Division in Washington, DC.</p> <p>23 Q. At justice?</p> <p>24 A. Justice, yeah. People like Rush Noble,</p> <p>25 you know, trying to get them to intervene. Because</p>

6 (Pages 18 to 21)

Joseph Thomas 1/16/2019

Page 22

I think as far as the state, all of this was pretty much set. They had voted on this and all that. I didn't have any say so in that. I wasn't even there. But it had already been agreed upon and all that had been done. I was trying to keep the Justice Department from preclearing it or from approving that, which to no avail.

Q. Well, let me ask you this. Why were you trying to keep the Justice Department from preclearing it?

A. Because it wasn't a minority district.

Q. Okay.

A. And we didn't have enough minority districts in the first place based on our population of this state. It was just -- just wasn't fair.

Q. Okay. So did you contact the Justice Department to complain of a violation?

A. Yes.

Q. I believe your lawyer gave us a couple of documents I want you to look at. One document is dated August 20, 2012. That's the Chris Herron?

A. That's right. I had talked with him and basically --

MR. McDUFF: He hasn't asked you a question.

Page 24

Department of Justice. Is that your signature on that document?

A. It is.

Q. Will you explain this letter to me and why you sent it?

A. This particular letter was sent probably when -- I'm trying to see which one I sent first. I sent several -- more than I have, but I don't have them with me. But we were trying to let them know -- I was trying to let them know -- for instance, I said, this letter is a request to the Department of Justice to take a hard look Mississippi's plan. So we wanted them to look at. And I was thinking that they had the lawyers and they had all of the expertise, that they would really look at it and give us some relief.

Q. And would this have been before you sent the letter on August 20, 2012 or --

A. I think this one was before.

Q. You testified that you sent more letters than these two, you just don't have access to all of them right now?

A. Letters and telephone calls. And I think it was other individuals that were communicating with the Department of Justice about this -- about

Page 23

THE WITNESS: Okay.

BY MR. GRIFFIN:

Q. Will you explain to me who Mr. Herron is and why he's sending this letter?

A. Okay. He was the Chief Voting -- over the Voting Civil Rights Division for US Department of Justice.

Q. Okay. What made you send this letter to him?

A. He was over the division, so I wanted some help.

Q. Help to do what?

A. To -- not to get -- not to approve the State's plan. Not to approve the State's plan.

Q. On what basis did you believe it shouldn't be approved?

A. Because it wasn't a black winnable district. So why say it was a minority district?

Q. Would it be fair to say that your concern was rooted in the fact that you didn't feel like it complied with the Voting Rights Act?

A. Yes.

Q. Let's flip over to a second letter that's attached to this, stapled to this. It's addressed to the Chief Voting Section, Civil Rights Division,

Page 25

the -- not just this district, it was some other districts, too.

Q. And you were trying to -- strike that.

What were you trying to communicate through these letters and phonecalls to the Justice Department about Mississippi's senate plan?

A. It wasn't fair.

Q. When you say it wasn't fair, are you trying to say that it was illegal under the Voting Rights Act?

A. I'm going to say that the Voting Right Act, in my imagination would not allow this type of shenanigans.

MR. GRIFFIN: Okay. I'd like to mark this as an exhibit.

MR. McDUFF: Off the record.

(Exhibit 2 marked for identification.)

(Exhibit 3 marked for identification.)

BY MR. GRIFFIN:

Q. We went off the record to allow you an opportunity to have a closer look at the documents that have been marked. We separated the two documents and made them two separate exhibits, two and three.

And after having reviewed them, do you

7 (Pages 22 to 25)

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Joseph Thomas 1/16/2019

Page 26	Page 28
<p>1 have some testimony that you want to clarify about</p> <p>2 those two documents?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Go ahead.</p> <p>5 A. Okay. The letter that I'd indicated that</p> <p>6 was sent prior to the August 20 letter 2012.</p> <p>7 Q. That's Exhibit 3?</p> <p>8 A. Exhibit 3. This letter was a composite</p> <p>9 plan. I think this plan was one -- a plan that was</p> <p>10 kicked around. It had not been adopted or passed by</p> <p>11 the legislature to be precleared.</p> <p>12 Q. Okay.</p> <p>13 A. I think this was -- and this letter was</p> <p>14 sent ahead of time trying to get the Justice</p> <p>15 Department to really look at whatever might come up</p> <p>16 the pipe, whatever might come from the legislature.</p> <p>17 Q. Okay. Now, at this point, you were</p> <p>18 actively communicating with lawyers from the Justice</p> <p>19 Department?</p> <p>20 A. Yes. Well, lawyers, yeah.</p> <p>21 Q. And did you have any other counsel that</p> <p>22 you were represented by at that time?</p> <p>23 A. No.</p> <p>24 Q. And were the other individuals similarly</p> <p>25 situated as you who wanted to run for office that</p>	<p>1 NAACP.</p> <p>2 Q. Who was that?</p> <p>3 A. His name was Robert Gunn.</p> <p>4 Q. Robert Gunn?</p> <p>5 A. Yes.</p> <p>6 Q. Is he still living in --</p> <p>7 A. He's still living in Yazoo.</p> <p>8 Q. Where does he work?</p> <p>9 A. He's retired. I don't know whether he's</p> <p>10 actively working.</p> <p>11 Q. Is there anyone else?</p> <p>12 A. He was the one that signed the letter that</p> <p>13 was sent to the Justice Department.</p> <p>14 Q. Okay. On behalf of the NAACP?</p> <p>15 A. The Yazoo County chapter NAACP.</p> <p>16 Q. I asked you earlier about the claims that</p> <p>17 you and the others are making in the lawsuit. And I</p> <p>18 believe you testified that you referred to the</p> <p>19 actions of the legislature or the state as being</p> <p>20 shenanigans. We need to kind of clarify what you</p> <p>21 mean in terms of were you trying to say that you</p> <p>22 thought that the plan as written violated the Voting</p> <p>23 Rights Act?</p> <p>24 A. Yeah. You know, needs to be some common</p> <p>25 bond or common, you know -- it need to -- in terms</p>
Page 27	Page 29
<p>1 you were conferring with about the senate plan in</p> <p>2 2012?</p> <p>3 A. I don't know of any other individuals.</p> <p>4 But we had groups and organizations, like NAACP that</p> <p>5 was concerned about the districts and how the</p> <p>6 districts are set up. Not enough districts for</p> <p>7 minorities. And then not winnable districts for</p> <p>8 minorities.</p> <p>9 Q. So is it your testimony that they had the</p> <p>10 same concerns that you had?</p> <p>11 A. Same concerns, yes.</p> <p>12 Q. And do you know if any of them decided to</p> <p>13 file suit?</p> <p>14 A. Not file suit, but they've had some</p> <p>15 communication, letters -- letters that was written.</p> <p>16 Q. From whom to whom?</p> <p>17 A. From same, Justice Department.</p> <p>18 Q. From whom?</p> <p>19 A. NAACP. Like Yazoo County chapter of</p> <p>20 NAACP.</p> <p>21 Q. Do you know which individuals within the</p> <p>22 NAACP may have sent those letters?</p> <p>23 A. Yes.</p> <p>24 Q. Who?</p> <p>25 A. President of the Yazoo County chapter of</p>	<p>1 of people being elected -- areas. And my conception</p> <p>2 of the Mississippi Delta, the counties that are in</p> <p>3 the delta. When I first saw that -- for instance, I</p> <p>4 ran in 22 and I done real well. And I won in the</p> <p>5 minority, the counties, Washington, Bolivar,</p> <p>6 Humphreys. But they jumped over to Madison and</p> <p>7 that's where the white voter block came into play.</p> <p>8 Everybody -- the whites in Madison voted for, you</p> <p>9 know, the Chairman of the Appropriations Committee</p> <p>10 that I was running against. And that was a uphill</p> <p>11 climb, too. And it was a -- and when I was running</p> <p>12 against the Chairman of the Appropriations</p> <p>13 Committee, Republican, then that was -- a lot of</p> <p>14 things happened in that race.</p> <p>15 Q. That was in 2012?</p> <p>16 A. 2015.</p> <p>17 Q. 2015?</p> <p>18 A. Yeah. A lot of things -- how can you win</p> <p>19 in all the counties except one and then lose? I</p> <p>20 knew that was going to happen. That's why I wrote</p> <p>21 the letter prior to this. And that's why other</p> <p>22 organizations, other groups and individuals were</p> <p>23 concerned because of running the district a hundred</p> <p>24 and something miles, a hundred miles from -- to pick</p> <p>25 up a group of white voters over in Gluckstat in</p>

8 (Pages 26 to 29)

Joseph Thomas 1/16/2019

Page 30

1 Madison County, Gluckstat area.

2 Q. So is it your testimony --

3 A. And those are upper income people.

4 They're not low -- very low income people.

5 Q. So is it --

6 A. So you're mixing -- it's a situation now  
7 where -- well, anyway, I don't want to get on a  
8 soapbox. Go ahead. I'm sorry.

9 Q. No. Feel free to answer the question to  
10 the extent you feel like you need to.

11 But is it fair to say that you're telling  
12 me you were not surprised by the result of the  
13 election in 2015, because that's what you expected  
14 would happen?

15 A. Yeah, I think most people did.

16 Q. Based on what?

17 A. Based on the plan that was submitted  
18 telling us that we had so many minority districts  
19 and presenting that the Justice Department. And  
20 that wasn't the case.

21 Q. So there wasn't --

22 A. So we lost out all around. Because  
23 percentage wise, voters over 18, you're saying that  
24 you can win in 15 districts and that wasn't the  
25 case, hadn't happened and won't happen under the

Page 32

1 particular elections?

2 A. Going back to the first time that district  
3 was -- well, 2007 -- I'm sorry, 2003, 2007 and 2012,  
4 I think, and '15.

5 So if you're holding a seat and you can't  
6 win the black vote in the counties that you're  
7 representing...

8 Q. So you were aware of all of this and you  
9 had developed an opinion about what it would mean in  
10 terms of your being electable at the time the  
11 Mississippi legislature approved the reapportionment  
12 plan in 2012?

13 A. Yeah. When I ran in 22, we had -- I  
14 honestly thought in my mind in -- when I ran for --  
15 in 22, I knew it would be hard to win in 22 because  
16 of the numbers. But we had worked hard. I mean, in  
17 terms of working with -- not just the minority  
18 community, we worked with the community as a whole  
19 when I was in the senate. We brought millions of  
20 dollars into our counties like Madison and Yazoo.  
21 And we done a lot of constituent service. My wife  
22 is a licensed social worker and I wasn't getting  
23 compensated but I was a full-time senator. And we  
24 helped a lot of people, especially elderly and  
25 handicapped and so on. But I thought -- and

Page 31

1 plan that we got. It will never happen.

2 Q. We're going to move on.

3 Can you describe your experience with  
4 elections held in Senate District 22, including  
5 those at the state, local and county levels? Let me  
6 break it down for you.

7 A. Okay.

8 Q. Do you participate as a voter, candidate,  
9 campaign supporter or any other role or in all those  
10 roles? Just kind of tell me what your role --

11 A. Well, in District 22 -- I was in 21.  
12 District 22, when I got put in 22 -- but prior to  
13 that I had been helping minority candidates run for  
14 the same office for senate. And there were some  
15 good candidates. They ran good races, but -- and  
16 minorities voted for them. They got the black vote  
17 but they never could -- they never did win. Marla  
18 Brooks, Jeruba (sic) Hill are some of them. Jeruba  
19 (sic) was an attorney and she could not win in that  
20 district. After the blacks delivered their votes,  
21 they voted for her and she still could not win.

22 You got -- you got a gentleman that lives  
23 in Hollandale, Mississippi that held that seat and  
24 he couldn't even win his own county.

25 Q. Do you recall the years of those

Page 33

1 education, I served on the Education Committee also.

2 So I honestly, in my mind, thought I would  
3 have done better than I did and still ended up  
4 losing. So I thought -- the reason I ran because I  
5 thought I was going to win. In Madison County we  
6 had just done -- I'm not campaigning now -- but I  
7 had just did a state of the art nursing home for  
8 developmental adults, bed patient adults. Had  
9 lifted a Certificate of Need and got them a CON to  
10 build a nursing home there.

11 So in that area, I thought I would have  
12 done better than I did. And we really worked with  
13 the black community and the white community. But  
14 when it came down to voting that wasn't the case.

15 Q. When you mean that wasn't the case, can  
16 you elaborate on that?

17 A. Well, the whites voted for whites.

18 Q. Are you saying that the white people,  
19 including the groups that you helped did not vote  
20 for you?

21 A. Whites voted for the whites.

22 Q. And have you done -- what have you done to  
23 justify that conclusion?

24 A. Well, you know, like I said,  
25 schoolteachers justified -- when I say whites, I had

9 (Pages 30 to 33)

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Joseph Thomas 1/16/2019

Page 34	Page 36
<p>1 some white votes now, don't get me wrong, but I</p> <p>2 didn't have enough to win. So I'm not saying all</p> <p>3 the whites didn't vote for me, but I didn't get the</p> <p>4 numbers. I campaigned, too. I had a strong</p> <p>5 campaign committee, strong activity, associations</p> <p>6 like MAE and groups like that and Parents for Better</p> <p>7 Education, but it just didn't happen.</p> <p>8 Q. Did --</p> <p>9 A. But I shouldn't have had to work that hard</p> <p>10 if it was a minority district, as hard as I did. If</p> <p>11 you're telling me my district is a minority</p> <p>12 district.</p> <p>13 Q. Who told you that your district was a</p> <p>14 minority district?</p> <p>15 A. The state. The state told the federal</p> <p>16 government that.</p> <p>17 Q. And what document are you referring to --</p> <p>18 A. The plan that they submitted.</p> <p>19 Q. So you were aware of the issues contained</p> <p>20 in the plan before the election?</p> <p>21 A. Yes.</p> <p>22 Q. What do you think qualifies an individual</p> <p>23 to be a successful candidate in the Mississippi</p> <p>24 Delta?</p> <p>25 A. Wanting to serve the people. Want to</p>	<p>1 BY MR. GRIFFIN:</p> <p>2 Q. You can answer?</p> <p>3 A. You know, if you look at the district now,</p> <p>4 we have -- the senate district that we're referring</p> <p>5 to, we have a white now that's in a all black</p> <p>6 district in terms of the delta, what we perceive as</p> <p>7 the delta. Madison County is not in the delta.</p> <p>8 So we have a white there now. All we're</p> <p>9 saying is, it shouldn't be a white all the time. A</p> <p>10 white need to get defeated, too. So it need to be a</p> <p>11 fair district. We don't -- it would make me no</p> <p>12 difference whether it's a white, black or green, but</p> <p>13 it needs to be fair. So whites don't need to win in</p> <p>14 that district every time they have an election.</p> <p>15 So to answer your question, we got a white</p> <p>16 there now. So no, it doesn't need to be black all</p> <p>17 the time. And it don't need to be white all the</p> <p>18 time.</p> <p>19 Q. From 2010 to 2018, did you ever study</p> <p>20 precinct level election returns of a state, county</p> <p>21 or local election held within the bounds of Senate</p> <p>22 District 22?</p> <p>23 A. Yeah, I've looked at composites and all</p> <p>24 that stuff and demographics -- you know, returns.</p> <p>25 Q. Do you recall what specific returns you</p>
Page 35	Page 37
<p>1 help, want to make a difference.</p> <p>2 Q. Can you describe --</p> <p>3 A. And that goes back to that common bond,</p> <p>4 that common interest I was telling you about.</p> <p>5 Q. Yeah. Can you describe for me what</p> <p>6 specific qualities you think a candidate might have</p> <p>7 in order to be successful in the Mississippi Delta?</p> <p>8 A. Care about people and be involved in the</p> <p>9 community and serve the whole community. You know,</p> <p>10 we're neighborhood people. We're community people.</p> <p>11 Not just about coming down here and serving in the</p> <p>12 legislature three months out of the year.</p> <p>13 Q. Do you believe that in the Mississippi</p> <p>14 Delta the race of a candidate will always determine</p> <p>15 whether or not the candidate will be successful?</p> <p>16 A. The race of a candidate will always be</p> <p>17 successful?</p> <p>18 MR. McDUFF: Object to the form.</p> <p>19 BY MR. GRIFFIN:</p> <p>20 Q. Let me rephrase that for you.</p> <p>21 Do you believe that in the Mississippi</p> <p>22 Delta the race of a candidate will always be</p> <p>23 determinative of whether or not the candidate will</p> <p>24 be successful?</p> <p>25 MR. McDUFF: Object to the form.</p>	<p>1 locked at and for what elections?</p> <p>2 A. The 2015 just say -- for 22 2015.</p> <p>3 Q. Just 22?</p> <p>4 A. Yeah. I've looked at others, but 22 was</p> <p>5 the one I was interested in.</p> <p>6 Q. From 2010 to 2018, did you ever study</p> <p>7 voter registration data for the areas within the</p> <p>8 bounds of Senate District 22?</p> <p>9 A. Voter registration? What document are you</p> <p>10 referring to.</p> <p>11 Q. The actual voter registration information</p> <p>12 that would have been kept in the clerk's office?</p> <p>13 A. Like the voter roll?</p> <p>14 Q. Yes.</p> <p>15 A. When you say study, I've looked at the</p> <p>16 voter roll. You're saying study?</p> <p>17 Q. In connection with preparation for a</p> <p>18 campaign?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall which specific information</p> <p>21 you looked at when you were preparing for a campaign</p> <p>22 or for your campaign?</p> <p>23 A. Yeah. Basic information, you know, where</p> <p>24 you voters are, where they live at. And you look</p> <p>25 at -- you just try to glean from that document some</p>

10 (Pages 34 to 37)

Joseph Thomas 1/16/2019

Page 38

1 information that will help you be successful.

2 Q. Would this be in the clerk's office?

3 A. The Circuit Clerk's Office, yes. And, you  
4 know, you get information from other sources, too.

5 Q. From 2010 to 2018, did you ever study any  
6 election turnout data for state, county or local  
7 elections held within the bounds of Senate District  
8 22? And if so, what specific turnout data did you  
9 review and where did you get it from? And keep in  
10 mind I'm now talking about 2012 -- the last few  
11 questions I've been talking about -- I'm sorry, 2010  
12 to 2018?

13 A. I've seen some data in terms of my race  
14 and during the time I ran, you know, other -- you  
15 know, the governor, lieutenant governor, secretary  
16 of state, transportation, I looked at all of that  
17 information. I was trying to see in areas why  
18 didn't I do as well. And I had worked -- because of  
19 the work I had done and involvement and investment  
20 in the community. I looked and I didn't do as well  
21 as some of my -- you know, some of the whites that  
22 ran in the same areas that I did. And the only  
23 thing I could see was that I was a minority and I  
24 just didn't get the vote. I'm not talking about  
25 minority voters. I got the minority voters.

Page 40

1 just -- whites voted for the whites. And not  
2 necessarily a better candidate. I'm not saying --  
3 but I thought he ran a good campaign.

4 Q. Did you review the results of his  
5 campaign -- strike that.

6 Did you review the returns from his  
7 campaign and compare those returns to the African  
8 American turnout in Senate District 22?

9 A. No, I didn't.

10 Q. Have you ever been involved in any of  
11 Bennie Thompson's campaigns for House of  
12 Representatives?

13 A. Yes.

14 Q. How were you involved?

15 A. Manage like Yazoo County -- I did not do  
16 the last couple, but I have been coordinator for  
17 Yazoo County.

18 Q. What was your impression of his campaign?

19 A. Impression?

20 Q. In terms of, was he able to generate  
21 meaningful white support as well as meaningful black  
22 support, minority support?

23 A. No.

24 Q. Can you further elaborate on that?

25 A. Well, just take Yazoo County, for

Page 39

1 Q. Was there any other reason that you could  
2 possibly attribute to getting a smaller amount of  
3 the vote other than race?

4 A. Smaller amount of the --

5 Q. The turnout?

6 A. No. Well, yeah, I do have -- I'm  
7 thinking. We had a problem getting minorities to go  
8 vote. They don't go and vote as they should. And  
9 they don't vote in high of numbers as they should  
10 and that's a problem.

11 Q. Were you involved in Mike Espy's recent  
12 campaign for US Senate?

13 A. No.

14 Q. What was your --

15 A. Now, you say involved. I was -- what you  
16 mean involved?

17 Q. Having an active role in the campaign in  
18 some official role?

19 A. No, I didn't have an official role. I did  
20 attend some activities and helped.

21 Q. What was your impression of his campaign?

22 A. Well, I thought he was a good candidate  
23 and I thought the results would have been different,  
24 but that wasn't the case. It goes back to what I  
25 said earlier. I wish I could sugar coat it, but it

Page 41

1 instance. For a long time Congressman Thompson  
2 could not carry Yazoo County because of the numbers.

3 We had a majority white -- now it's a majority  
4 black, but in the past it has not been the case. It  
5 was a majority white county. And he just got,  
6 recently over the last ten years been able to carry  
7 Yazoo County, over the last seven or eight years.

8 Q. So has the population changed from more  
9 blacks to whites?

10 A. More blacks to white.

11 Q. So is it your testimony that the reason he  
12 has been able to carry the county is because the  
13 population changed and more blacks were able to vote  
14 for him than in the past?

15 A. Yeah, more blacks will actually go and  
16 vote. Go and vote, getting blacks out.

17 Q. In terms of issues, mobilization efforts,  
18 staffing, financial support, networking and  
19 endorsements, how do the Espy and Thompson campaigns  
20 compare to more local races in Senate District 22  
21 including those at the county and municipal level?

22 A. In terms of financing?

23 Q. Yes.

24 A. Okay.

25 MR. McDUFF: Object to the form.

11 (Pages 38 to 41)

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Joseph Thomas 1/16/2019

Page 42	Page 44
<p>1 BY MR. GRIFFIN</p> <p>2 Q. You can answer.</p> <p>3 A. Well, I can speak for 22. When I ran in</p> <p>4 21, it wasn't against the chairman of the Senate</p> <p>5 Appropriations Committee and it wasn't a white. I</p> <p>6 got funds in terms of contributions, special</p> <p>7 interest groups and businesses and industries. But</p> <p>8 in 2015, the monies was shut. There was no money to</p> <p>9 democratic candidates, no money to my campaign. I</p> <p>10 need to ask a question, but I'm not going to ask</p> <p>11 you.</p> <p>12 Q. So it's -- is it your testimony that in</p> <p>13 the 2015 campaign people who -- or entities that had</p> <p>14 traditionally supported you, had contributed to your</p> <p>15 campaign refused to contribute and support your</p> <p>16 campaign?</p> <p>17 A. Yes. Or they couldn't. I don't know what</p> <p>18 their reasons -- and it wasn't just my campaign. I</p> <p>19 think democrats -- you know, I don't know the</p> <p>20 reason. I don't know why, but we couldn't get the</p> <p>21 monies we needed to run our campaign.</p> <p>22 Q. Do you know if the same -- strike that.</p> <p>23 Do you know if the white candidates suffer</p> <p>24 from the same cash --</p> <p>25 A. They was getting the money. They got the</p>	<p>1 A. Some candidates and some organizations</p> <p>2 that make -- for instance, I had -- did have groups</p> <p>3 like Mississippi Association of Educators, and</p> <p>4 groups, I did have some contributions. I didn't</p> <p>5 mean that. But traditionally the ones that I used</p> <p>6 to have, those were cut off. I don't know who cut</p> <p>7 them off or what happened. But we did not get any</p> <p>8 contributions from the groups we had gotten</p> <p>9 contributions from in 2007. And other democrats,</p> <p>10 I've been told, had the same situation.</p> <p>11 MR. McDUFF: Charles, can we take a short</p> <p>12 break?</p> <p>13 MR. GRIFFIN: Yeah.</p> <p>14 (Off the record.)</p> <p>15 BY MR. GRIFFIN:</p> <p>16 Q. Is it fair to say that Barack Obama was a</p> <p>17 minority candidate choice in the 2008 and 2012</p> <p>18 presidential elections?</p> <p>19 A. Yes.</p> <p>20 Q. Is it fair to say that he received a</p> <p>21 majority of the votes in the counties comprised of</p> <p>22 Senate District 22?</p> <p>23 A. Yes.</p> <p>24 Q. To the best of your knowledge, have any</p> <p>25 candidates of any race in Senate District 22 running</p>
Page 43	Page 45
<p>1 money, white Republicans.</p> <p>2 Q. Let me have you clear this up for me. Are</p> <p>3 you saying that the money was cut off to democrats?</p> <p>4 A. There you go.</p> <p>5 Q. And Republicans on the other hand, they</p> <p>6 were able to get funds, the fundraiser money?</p> <p>7 A. That's what I said.</p> <p>8 Q. Okay. Would you attribute that more to</p> <p>9 the rise of conservatism around the country and in</p> <p>10 Mississippi or would you attribute that to race?</p> <p>11 MR. McDUFF: Object to the form.</p> <p>12 BY MR. GRIFFIN:</p> <p>13 Q. You can answer.</p> <p>14 A. Well, my concern was to -- I had put</p> <p>15 myself out there to represent my people, to win.</p> <p>16 And quite naturally I wanted to get some necessary</p> <p>17 funds to -- I don't know how I would attribute that</p> <p>18 really. I wouldn't necessarily say. Some might</p> <p>19 have done better if they hadn't been intimidated or</p> <p>20 scared or they just maybe didn't feel free. I don't</p> <p>21 know what happened. The money -- somebody cut the</p> <p>22 monies off.</p> <p>23 Q. Are you referring to -- when you say some</p> <p>24 may have done better, are you referring to some</p> <p>25 candidates may have done better?</p>	<p>1 for either state, county or local office ever used</p> <p>2 racial appeals in their campaign?</p> <p>3 A. Racial appeals? Repeat that. I'm sorry.</p> <p>4 MR. GRIFFIN: Would the court reporter</p> <p>5 please read back the question?</p> <p>6 (Court reporter read portion of record.)</p> <p>7 A. Not to my knowledge.</p> <p>8 BY MR. GRIFFIN:</p> <p>9 Q. Has this happened in the last 15 years, to</p> <p>10 your knowledge?</p> <p>11 A. Not where they openly used race appeal?</p> <p>12 Q. Yes.</p> <p>13 A. No. No, I did not.</p> <p>14 Q. Did you witness anyone else?</p> <p>15 A. No.</p> <p>16 Q. Are there early voting mechanisms</p> <p>17 available for elections in the Mississippi Delta,</p> <p>18 such as early voting, polling locations and absentee</p> <p>19 ballots?</p> <p>20 A. Yes.</p> <p>21 Q. What affect does this have on the ability</p> <p>22 of African American voters to vote in elections in</p> <p>23 the delta and in Senate District 22 in particular?</p> <p>24 A. I think it enhances it.</p> <p>25 Q. Are you familiar with that absentee ballot</p>

12 (Pages 42 to 45)



Joseph Thomas 1/16/2019

Page 46

1 process?

2 A. Somewhat, yeah.

3 Q. Can you describe it to the best of your  
4 knowledge?

5 A. Where a voter that cannot vote requests a  
6 ballot -- requests a ballot and a ballot is mailed  
7 out or sent out to the voter to execute and then  
8 send back. On the absentee, yeah.

9 Q. Is it all done at one process, where the  
10 ballot is requested over the phone, for example, and  
11 then the clerk sends it to them? Or is it in a  
12 bifurcated process, which requires a voter to send  
13 in an application for a ballot and then the clerk  
14 has to review the application and send the ballot?

15 A. Generally it's a form that you fill out  
16 and request it and then you give it back to the  
17 clerk and the clerk mails out a ballot.

18 Q. So it's a bifurcated process?

19 A. Yes.

20 Q. You mentioned several times during the  
21 course of the deposition the common interest and  
22 bond between you and other voters in District 21 and  
23 22. Will you describe what that common interest and  
24 bond was when you were Senator in District 21?

25 MR. McDUFF: Object to the form.

Page 48

1 having a common thread, common bond where people --  
2 you know, I had a vested interest in my district and  
3 my community that I wanted to see something happen,  
4 see some improvements. I wanted some dollars to  
5 come to my community. I didn't want to come down  
6 and vote for everybody else's community and didn't  
7 do anything for mine. So I was able to bring some  
8 stuff into my community because I was sitting at the  
9 table. I knew what my people wanted. When I say my  
10 people I mean the citizens, not blacks, citizens of  
11 Yazoo.

12 Q. Constituents?

13 A. Yeah, constituents.

14 Q. Did that change when you ran in Senate  
15 District 22? Was there no longer a common interest  
16 and bond?

17 A. It was a stretch, because we had areas  
18 like Gluckstat, Madison and just a different area  
19 from -- it's a big difference. I know you repeat  
20 the question about common bond, common interest.  
21 But if you are trying to -- you need to have  
22 something in common, something that everybody can  
23 buy into. And my areas like Rolling Fork had a bond  
24 because of the school systems and the community.  
25 The community is pretty close. Belzoni is close.

Page 47

1 A. Well, you know, I live in the hood. I  
2 live -- you know, my constituents was my neighbors,  
3 friends, church members, association members. We,  
4 you know -- when you go to the grocery store you see  
5 your constituents. It's a big difference between --  
6 and church work. I'm a deacon at my church and I  
7 see people. Go to different churches and you see  
8 your constituents, you're available. It's a big  
9 difference between somebody you -- we have people in  
10 our district who have never seen their senator.  
11 Senator never been to church, never been to  
12 organization meeting, never seen them in the grocery  
13 store. Just availability of being seen and being --  
14 you know, living in a neighborhood.

15 You know, when I was the senator of  
16 District 21 we had other senators come into our  
17 county, but the people would call me because I was  
18 there. They would see me every day or they would  
19 call me because they had my telephone number.

20 Q. And this was in 2007?

21 A. 2004 to 2008, yeah.

22 Q. Where did you live --

23 A. In the same place.

24 Q. Okay.

25 A. Same place. So the common interest is

Page 49

1 It was a little stretch up around Delta State area  
2 and Cleveland. But it was a bigger stretch over in  
3 Madison. But with the people -- first of all, I  
4 didn't know -- we didn't know the people.

5 Q. Did you have a common interest and bond,  
6 for example, with the people in Bolivar County?

7 A. People in Bolivar County, pretty much we  
8 had the same interest, same churches, same pastors,  
9 same associations, same, you know, likes and  
10 dislikes pretty much.

11 Q. Was that -- did that remain the same from  
12 2007 to 2012, 2013?

13 A. I was out in 2008. I mean, the community,  
14 the network pretty much is the same, football games,  
15 basketball games.

16 Q. You still had that common interest and  
17 bond?

18 A. Yeah. We had those compared to areas  
19 which that did not exist.

20 Q. What about Washington County?

21 A. Same thing. We're talking about very  
22 limited resources in all those counties. We have  
23 very poor people. And they have a particular need  
24 that we were able to address, you know.

25 And I know in 21, we had people, you know,

13 (Pages 46 to 49)

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Joseph Thomas 1/16/2019

Page 50	Page 52
<p>1 might be outside the scope of my job, but they had</p> <p>2 situations that they needed to talk to somebody. It</p> <p>3 could be about a social service issue or need that</p> <p>4 they had that we had to stop and try to assist them.</p> <p>5 It could be somebody that wanted a wheelchair or</p> <p>6 needed a ramp. Or it could be somebody that funds</p> <p>7 had been cut off or something, state agency or</p> <p>8 federal something and we could get on the phone and</p> <p>9 try to -- we knew where they was coming from. And</p> <p>10 we knew that they needed those services to survive.</p> <p>11 And so, we would stop what we're doing and</p> <p>12 try to assist them. Set up a intake file and try to</p> <p>13 see could we connect them with somebody that could</p> <p>14 help them. And these are constituent needs in areas</p> <p>15 like especially Washington. Especially what I'm</p> <p>16 talking about, Washington, Bolivar for the new</p> <p>17 district. But the old district I had was Madison,</p> <p>18 Holmes, Attala, which all had the same bond.</p> <p>19 Pickens, Mississippi, Goodman, Mississippi, Camden.</p> <p>20 Areas like Kosciusko coming back. We didn't have</p> <p>21 Kosciusko, but several communities going in to</p> <p>22 Kosciusko.</p> <p>23 But people that needed some assistance --</p> <p>24 let me -- I had a lady that was 108 years old. I</p> <p>25 brought her to the state capital and we done a</p>	<p>1 you off. I had a supervisor that the areas that I</p> <p>2 had in Madison County, he had been a supervisor for</p> <p>3 30 years and lost.</p> <p>4 Q. Was that --</p> <p>5 A. Banks.</p> <p>6 Q. Carl Banks?</p> <p>7 A. Yeah, thirty years. So something --</p> <p>8 something happened. If you want to talk about the</p> <p>9 common bond or special interest or whatever. You</p> <p>10 can call it whatever you want to call it. But you</p> <p>11 don't need to win -- if you got six counties and you</p> <p>12 win five and lose one. So call it what you want to</p> <p>13 call it.</p> <p>14 Q. What about the common bond with Issaquena</p> <p>15 County?</p> <p>16 A. It's okay.</p> <p>17 Q. Humphreys County?</p> <p>18 A. Same. We got the same pastors, same</p> <p>19 schools, sports. And when I go to a constituent's</p> <p>20 home and home is not so nice and I know how to sit</p> <p>21 on the couch and how to drink ice water and tea.</p> <p>22 And you can't get too big to serve your people.</p> <p>23 Q. What about Yazoo County?</p> <p>24 A. Same thing.</p> <p>25 Q. And finally --</p>
Page 51	Page 53
<p>1 concurrent resolution for her. And she was from</p> <p>2 Eden, Mississippi. She had never been able to --</p> <p>3 during her productive years, she couldn't come into</p> <p>4 the Mississippi Capital as the way she came. The</p> <p>5 only way she could come is if she was cleaning up or</p> <p>6 something like that. But situations like that, we</p> <p>7 recognize -- we honored Gatemouth Moore, Dwight</p> <p>8 Moore. And BB King, another situation.</p> <p>9 So we was able to work with a lot of</p> <p>10 people that we knew their struggle, we knew where</p> <p>11 they come from and try to show them that that was</p> <p>12 their state capital, open doors. We just brought in</p> <p>13 a lot of people, lot of groups, a lot of church</p> <p>14 groups, a lot of pastors, because we had a feel for</p> <p>15 the community. Students that wanted to be pagers,</p> <p>16 we had a lot of that hands on. But I reckon I'm</p> <p>17 still talking about the common bond.</p> <p>18 Q. I was going to ask you about --</p> <p>19 A. It's a big difference between the Delta</p> <p>20 and Madison County. The part of Madison County I'm</p> <p>21 talking about. See you picked the elite part of</p> <p>22 Madison County. Now, Canton would have been a</p> <p>23 different story. But it wasn't Canton, Mississippi.</p> <p>24 Q. What about --</p> <p>25 A. And I had a supervisor too -- I'm cutting</p>	<p>1 A. We're talking about very low income -- low</p> <p>2 to moderate income people.</p> <p>3 Q. And finally, down in Madison County you</p> <p>4 just didn't have any?</p> <p>5 A. Well, you put -- they put the elite part</p> <p>6 of Madison County. Lake Caroline and areas like</p> <p>7 that in a minority district.</p> <p>8 Q. I want to ask you something now. Do you</p> <p>9 recall being rated by the NRA when you ran in 2015?</p> <p>10 A. Not offhand.</p> <p>11 MR. McDUFF: Object to the form.</p> <p>12 BY MR. GRIFFIN:</p> <p>13 Q. Have you ever been rated by the National</p> <p>14 Rifle Association as a candidate?</p> <p>15 A. I don't know. Probably so, but I don't</p> <p>16 know what the rating was or nothing like that. Can</p> <p>17 you -- for the record, I would like to know what the</p> <p>18 rating was.</p> <p>19 Q. Would it surprise you to know that when</p> <p>20 you ran in 2015, the NRA gave you a zero rating with</p> <p>21 respect to your position as a candidate on gun</p> <p>22 rights?</p> <p>23 A. No.</p> <p>24 Q. Had you taken a position that was adverse</p> <p>25 to gun owners, if you recall?</p>

14 (Pages 50 to 53)

Joseph Thomas 1/16/2019

Page 54

1 A. Not that I know anything. That might go  
2 back to who I was running against and the problems  
3 we had raising money, cutting my signs up and  
4 intimidating calls.

5 Q. Who was that?

6 A. I don't know. It don't make no  
7 difference. I'm just saying I don't know what  
8 happened. But I had not voted on anything that  
9 would have been adverse -- that was adverse to  
10 national gun rights folks. I hadn't -- so what did  
11 I -- I'm just asking, what did I do to them?

12 Q. I honestly don't know. I just ask the  
13 question because it was --

14 A. But I did have -- I had the common  
15 interest, common bond, I did have some groups like  
16 superintendents, teachers and parents, I had a A1  
17 rating from Parents for Better Education.

18 Q. And I understand you also had the  
19 endorsement of the Mississippi Association of  
20 Educators?

21 A. Uh-huh (affirmative response).

22 Q. Was that helpful during your campaign?

23 A. It was helpful, but I don't know how  
24 helpful it was in Gluckstat and Lake Caroline in  
25 that area.

Page 56

1 his banker, friend of the family, daddy and momma  
2 and all that. So he had several people that was  
3 from Yazoo working, but I was -- I just wasn't out  
4 front. I wasn't the county coordinator or county  
5 manager or nothing like that. And I wasn't Bennie's  
6 campaign manager. I think I stopped -- the reason I  
7 stopped, because my son started doing it and some  
8 other people and I was involved in some other stuff  
9 and have to -- when you get up in age you have to  
10 slow it down, let some of the young folks -- but  
11 that's basically it.

12 Q. Got you.

13 A. The Espy family and our family, all us  
14 from Yazoo. I was -- when Mike decided he was  
15 not -- he was -- when he got the cabinet position  
16 and the seat was open, I went with Henry Espy not --

17 Q. Not Mike?

18 A. No, not Thompson. I went with Henry Espy  
19 for congress. But Henry didn't win, then I switched  
20 over to Bennie. And I stayed with Bennie. I've  
21 been with Bennie ever since.

22 Q. Have you considered other factors which  
23 may have contributed to your loss in the 2015  
24 election, such as what you've testified about, about  
25 the loss of campaign contributions? Could that have

Page 55

1 Q. Did they contribute funds or did they get  
2 out and canvas for you --

3 MR. McDUFF: What year are you talking  
4 about, Charles?

5 BY MR. GRIFFIN:

6 Q. 2015?

7 A. '15?

8 Q. Yeah?

9 A. They supposed to had -- I think they did  
10 get out and canvas in certain areas. I don't know  
11 what areas. And they did give me a contribution and  
12 I was appreciative of that.

13 Q. Now, you did serve as Yazoo County  
14 coordinator for Bennie Thompson. And you were  
15 involved in a management role for Thompson in Yazoo  
16 County, correct?

17 A. Yes.

18 Q. But not for Espy in 2018. Let's see.

19 Was there a particular reason that you  
20 were not as involved in Espy's campaign as you had  
21 been in Thompson's?

22 A. Well, I have a son named the same thing,  
23 Joseph. My son was involved in Mike's.

24 Q. Got you?

25 A. Mike's daddy was -- like I told you, I was

Page 57

1 contributed to your defeat?

2 A. That hurt. It hurt.

3 MR. McDUFF: Object to the form.

4 BY MR. GRIFFIN:

5 Q. Could party loyalty, that is party loyalty  
6 between Republicans to Republicans, Democrats to  
7 Democrats, could that have affected your defeat in  
8 the election of 2015?

9 A. See I'm -- in my area, the Mississippi  
10 Delta, I don't know any -- talking about the towns  
11 and cities, they don't have black Republicans.

12 Q. Is it your testimony that they don't have  
13 a Republican primary?

14 A. They don't have black candidates or black  
15 people that's in -- activity in the Republican  
16 party.

17 Q. Okay.

18 A. I might be wrong, but I don't -- we don't  
19 have candidates in Washington, Humphreys, Bolivar,  
20 Sharkey that runs on a Republican ticket. So we're  
21 talking about whites.

22 Q. Could incumbency of a particular candidate  
23 have an impact? Not necessarily in your race, but  
24 in other races where a Democrat, for example, may  
25 have been defeated by a Republican and the

15 (Pages 54 to 57)

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Joseph Thomas 1/16/2019

Page 58	Page 60
<p>1 Republican was already the incumbent. Could the</p> <p>2 incumbency factor have had an impact on whether or</p> <p>3 not the Democrat was able to win that race?</p> <p>4 MR. McDUFF: Object to the form.</p> <p>5 A. Republican --</p> <p>6 BY MR. GRIFFIN:</p> <p>7 Q. Strike that. Let me ask that a different</p> <p>8 way.</p> <p>9 A. Okay.</p> <p>10 Q. In your view, does a incumbency have an</p> <p>11 impact on races in the Mississippi Delta on District</p> <p>12 22?</p> <p>13 MR. McDUFF: Object to the form.</p> <p>14 A. For a Republican incumbent had no affect.</p> <p>15 It didn't really mean anything in District 22 in the</p> <p>16 counties that I won. I got the vote. So it goes</p> <p>17 back to race.</p> <p>18 BY MR. GRIFFIN:</p> <p>19 Q. In 2015?</p> <p>20 A. 2015.</p> <p>21 Q. You were not the incumbent, right?</p> <p>22 A. No. I say the mere fact of him being the</p> <p>23 incumbent had no points, no factor.</p> <p>24 Q. How do you know?</p> <p>25 A. Because he didn't get the black vote.</p>	<p>1 A. It did. I mean, in terms -- what I did --</p> <p>2 we were grassroots. And the things we did we were</p> <p>3 able to do and we was able to get the vote, which</p> <p>4 was not TV. If I -- I needed more money, but not</p> <p>5 necessarily to get on TV. That's what I'm trying to</p> <p>6 say.</p> <p>7 Q. But your lack of funds led to lack of</p> <p>8 media, which led to a deficiency in terms of your</p> <p>9 voters?</p> <p>10 A. Yeah. If we had had more funds, we could</p> <p>11 have done a better job and maybe could have done a</p> <p>12 better job in Madison, but we did not have.</p> <p>13 Q. Did you run any TV in Madison?</p> <p>14 A. No, TV. We didn't have any -- you know,</p> <p>15 the funds.</p> <p>16 Q. You didn't have the capital?</p> <p>17 A. Yeah, didn't have the capital. That's</p> <p>18 right.</p> <p>19 Q. Do you recall whether the --</p> <p>20 A. And not -- I don't mean to cut you off.</p> <p>21 Q. Go ahead.</p> <p>22 A. But neither did my opponent. I don't</p> <p>23 think he ran any TV ads either.</p> <p>24 Q. Do you recall what he did different in</p> <p>25 Madison County?</p>
Page 59	Page 61
<p>1 Q. I didn't qualify the question now just by</p> <p>2 the black vote.</p> <p>3 A. But you said Republican. I'm looking at</p> <p>4 Republicans as being --</p> <p>5 Q. Synonymous with white?</p> <p>6 A. -- white. Yeah, white.</p> <p>7 Q. But wouldn't you agree with me that there</p> <p>8 are some white Republicans and black Republicans</p> <p>9 just like there are some white Democrats and black</p> <p>10 Democrats?</p> <p>11 A. Slim to none in the Delta, in the areas</p> <p>12 that I represent. I don't know of anyone -- I</p> <p>13 really don't know of anybody that has ran as a</p> <p>14 Republican, black that has ran as a Republican, I</p> <p>15 don't.</p> <p>16 Q. I believe at some point, one point, did</p> <p>17 Charles Evers run statewide as a Republican? Do you</p> <p>18 recall that? Maybe I'm getting old.</p> <p>19 A. I didn't say nobody hadn't ran. But</p> <p>20 really in the Mississippi Delta, the Democrats are</p> <p>21 black and the Republicans are white. I wish I could</p> <p>22 tell you differently, but that's just the way it is.</p> <p>23 Q. Now, in 2015, did your lack of funding</p> <p>24 affect your ability to have access to media in terms</p> <p>25 of commercials, television, for your campaign?</p>	<p>1 A. I don't think he did anything in Madison</p> <p>2 County.</p> <p>3 Q. Did you do an analysis after the election</p> <p>4 to --</p> <p>5 A. No, we was out there with the people and</p> <p>6 the groups and stuff and I never seen him. I never</p> <p>7 seen him at anything over there, anything in Yazoo</p> <p>8 County. I never seen him Washington County or</p> <p>9 Bolivar, or Sharkey or Humphreys. See I was</p> <p>10 knocking on doors, going to meetings, going to</p> <p>11 campaign activities. I never did see him during the</p> <p>12 whole campaign.</p> <p>13 Q. During the 2015 campaign, you were not in</p> <p>14 the legislature at all then?</p> <p>15 A. No, I wasn't.</p> <p>16 Q. Was he still Chairman of Appropriations?</p> <p>17 A. Yes.</p> <p>18 Q. And being Chairman of Appropriations means</p> <p>19 something, doesn't it?</p> <p>20 A. Yes.</p> <p>21 MR. McDUFF: Object to the form.</p> <p>22 BY MR. GRIFFIN:</p> <p>23 Q. What does it mean?</p> <p>24 A. Being chairman?</p> <p>25 Q. Of Appropriations Committee?</p>

16 (Pages 58 to 61)

Joseph Thomas 1/16/2019

Page 62

Page 64

1 A. Yeah.  
 2 Q. That's a pretty --  
 3 A. It is.  
 4 Q. -- powerful position?  
 5 A. It is.  
 6 MR. McDUFF: Object to the form.  
 7 BY MR. GRIFFIN:  
 8 Q. Will you explain to me the significance of  
 9 an individual who serves as a Chairman of the  
 10 Appropriations Committee?  
 11 MR. McDUFF: Object to the form.  
 12 A. Well, it's one of the -- two of the most  
 13 powerful committees in the legislature in the state  
 14 senate. That's what you're saying?  
 15 BY MR. GRIFFIN:  
 16 Q. He has a checkbook?  
 17 A. Yeah. And a lot of people, they cater to  
 18 that or look up to that.  
 19 Q. He has a checkbook?  
 20 A. Yeah, he has a checkbook, yeah. But the  
 21 people that you need to respond to are the people  
 22 back in your district. And those are the people  
 23 that you represent and not the state agencies or  
 24 groups or groups that you're writing checks for.  
 25 So basically all I was saying, all I'm

1 Q. And that was in 2012?  
 2 A. For 2015.  
 3 Q. Right. And of course you complained to  
 4 the Justice Department, correct?  
 5 A. Uh-huh (affirmative response).  
 6 Q. You complained to the lawyers at the  
 7 Justice Department, correct?  
 8 A. Uh-huh (affirmative response).  
 9 Q. The NAACP complained to the Justice  
 10 Department, correct?  
 11 A. Uh-huh (affirmative response).  
 12 Q. All of this was in 2012?  
 13 A. For '15, for the next election, which was  
 14 in '15. Yeah, well, that's what -- so it -- it  
 15 would have been tough. Because you always want  
 16 more. If the 46 would have been 48 I would have  
 17 felt better. But when they put the -- but I still  
 18 only lost by 1300 votes.  
 19 Q. 1300?  
 20 A. Uh-huh (affirmative response).  
 21 Q. Now what election -- this was 2015?  
 22 A. 2015.  
 23 Q. Let me get the chronology straight on the  
 24 dates that you ran for senate. Let's see. You were  
 25 elected to serve in 2004, correct?

Page 63

Page 65

1 saying now is in these districts, the common  
 2 interest, common bond, you need people to represent  
 3 you that's available and people that's out there  
 4 with you.  
 5 Q. I believe you've already testified that  
 6 the black voting population did not always turnout  
 7 at the same rate that majority voting age population  
 8 turned out?  
 9 A. Yes.  
 10 Q. Was what the case in 2015?  
 11 A. I think I got -- not really. But I think  
 12 I got 46 percent of the vote. So they came out, but  
 13 they could have came out better. I could have  
 14 gotten more. I don't know whether I would have  
 15 gotten enough to win, but I could have gotten more  
 16 than the 46 percent.  
 17 Q. Got you. Well, 46 percent, if they had  
 18 came out much more it could have carried you over  
 19 the edge, couldn't it?  
 20 MR. McDUFF: Object to the form.  
 21 BY MR. GRIFFIN:  
 22 Q. You can answer.  
 23 A. I will say no. Because what really kicked  
 24 me -- what really got me was the 10,000 white voters  
 25 that was added to a black district.

1 A. Yes, sir.  
 2 Q. So you ran in 2003?  
 3 A. Yes, that's right.  
 4 Q. And then you served from 2004 to 2008.  
 5 What happened in 2008?  
 6 A. I was getting -- I qualified to run and I  
 7 had an accident. I broke my ankle and I broke it at  
 8 church.  
 9 MR. McDUFF: Excuse me. He's asking you  
 10 about what happened in the 2007 election, or the  
 11 term beginning in 2008; is that right?  
 12 MR. GRIFFIN: Right.  
 13 BY MR. GRIFFIN:  
 14 Q. I'm asking why -- essentially I'm trying  
 15 to -- strike that. Let me rephrase it.  
 16 You weren't in the legislature after 2008,  
 17 correct?  
 18 A. No. That's what I was trying to explain.  
 19 Q. Tell me why you weren't in --  
 20 A. I qualified to run as a Democrat.  
 21 Q. Okay.  
 22 A. And I was at a NAACP meeting at a  
 23 church --  
 24 MR. McDUFF: Mr. Thomas, he's asking you  
 25 about 2007 not 2011.

17 (Pages 62 to 65)

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Joseph Thomas 1/16/2019

Page 66

1 THE WITNESS: See, I was in the senate  
 2 from 2004 to 2008.  
 3 BY MR. GRIFFIN:  
 4 Q. Right.  
 5 A. You're talking about what happened after  
 6 then?  
 7 Q. No, I'm talking about 2007. Remember at  
 8 2008 you stopped. You were -- at the end of that  
 9 year you got out of the senate.  
 10 A. That's right.  
 11 Q. I'm trying to find out, did you just  
 12 retire?  
 13 A. Oh, okay. I'm sorry. I was going to run  
 14 again, but I'm saying I broke my ankle.  
 15 Q. So you were explaining --  
 16 MR. McDUFF: But he's asking you about the  
 17 2007 election. And you've already testified that  
 18 you were defeated in that election?  
 19 THE WITNESS: Yeah.  
 20 BY MR. GRIFFIN:  
 21 Q. Who defeated you in that election?  
 22 A. Senator Kenny Wayne Jones.  
 23 Q. Is he white or is he African American?  
 24 A. He's African American.  
 25 Q. And what do you attribute -- strike that.

Page 68

1 walk for about three or four months so I just got  
 2 out.  
 3 BY MR. GRIFFIN:  
 4 Q. Due to health related reasons you couldn't  
 5 do it?  
 6 A. Yes.  
 7 Q. During that timeframe, did you maintain  
 8 communication, continuity of interest with your  
 9 constituents or prior constituents or common  
 10 interest and bond or did you just take it to the  
 11 house and --  
 12 A. No, I stayed involved.  
 13 Q. Now, was the first opportunity to run  
 14 again after you broke your ankle, was that first  
 15 opportunity to run again in 2015?  
 16 A. Yes.  
 17 Q. And that's when you decided to run but  
 18 your district had changed?  
 19 A. That's right. They changed my district,  
 20 kicked me out of 21. I didn't want to get out of 21  
 21 now.  
 22 Q. They didn't kick you out. It was actually  
 23 Kenny Wayne who was in there, right?  
 24 A. Yes.  
 25 Q. So the district had changed.

Page 67

1 Do you recall how much he defeated you by  
 2 in terms of percentage in that election?  
 3 A. I think it was about a hundred votes.  
 4 Q. It was very close?  
 5 A. Yeah.  
 6 Q. And what county was he from?  
 7 A. It was Madison, Yazoo, Holmes and Attala.  
 8 Q. So that was District 21?  
 9 A. Twenty-one.  
 10 Q. Were you competing against him in a  
 11 primary or general election?  
 12 A. Primary.  
 13 Q. Democratic primary?  
 14 A. Democratic primary.  
 15 Q. Did you have or did he have a Republican  
 16 opponent, if you recall?  
 17 A. No.  
 18 Q. So following your loss in 2007, you didn't  
 19 decide to run again until 2015?  
 20 A. Okay. I qualified the next four years,  
 21 which would have been 2012.  
 22 MR. McDUFF: 2011.  
 23 A. That's when I qualified to run again. But  
 24 I didn't run because I broke my ankle about a month  
 25 after -- really after I qualified. And I couldn't

Page 69

1 So do you know why -- did Kenny Wayne run  
 2 in the Democratic primary against you?  
 3 A. I had beat him before.  
 4 MR. McDUFF: What year are you talking  
 5 about?  
 6 MR. GRIFFIN: 2015.  
 7 A. I beat him in 2003.  
 8 BY MR. GRIFFIN:  
 9 Q. Okay. Did anybody run against you in the  
 10 Democratic primary in 2015?  
 11 A. No.  
 12 Q. You were unopposed?  
 13 A. Yes.  
 14 Q. Have you been elected or appointed to any  
 15 political office since 2015?  
 16 A. No.  
 17 Q. Other than the political offices that  
 18 you've been elected to and that you've testified  
 19 about so far, have you been elected to or appointed  
 20 to any other political offices that we have not  
 21 talked about?  
 22 A. I was appointed to a special task force by  
 23 a former governor, economic development task force  
 24 for the state.  
 25 Q. Which governor?

18 (Pages 66 to 69)

Joseph Thomas 1/16/2019

Page 70

Page 72

1 A. Musgrove.  
 2 Q. What year?  
 3 A. I've forgotten the year. It's been a few  
 4 years. But it was a special task force for economic  
 5 development for our state.  
 6 Q. How long did that appointment last?  
 7 A. Four years probably. That's been a long  
 8 time ago. And then I told you about the appraisal  
 9 board, I set that up.  
 10 Q. Right. Anything else?  
 11 A. No, I can't think of anything.  
 12 MR. GRIFFIN: Let's take a break.  
 13 (Off the record.)  
 14 BY MR. GRIFFIN:  
 15 Q. All right. Mr. Thomas, I want to ask you  
 16 some questions about your voting in the past. Do  
 17 you recall whether you voted in 2003?  
 18 A. Yes.  
 19 Q. What about 2007?  
 20 A. Yes. Talking about all the elections or  
 21 just what?  
 22 Q. The presidential elections -- well,  
 23 actually all of the elections?  
 24 A. Yeah. The only one election I did not  
 25 vote in, I was in the hospital or sick and then I

1 exactly you were talking about in terms of who did  
 2 what and what was going on. So let's explore that a  
 3 little bit more fully, so I can get a better  
 4 understanding of what was going on and who was doing  
 5 it.  
 6 A. I don't know who was doing it, so I can't  
 7 answer that. I did have some signs that were  
 8 destroyed, some large signs.  
 9 Q. Yard signs?  
 10 A. No. Four by eight signs. You know large  
 11 signs, 4 feet by 8 feet.  
 12 Q. Right. The kind that you put like at a  
 13 corner at an intersection on an empty lot?  
 14 A. Yeah, large sized signs. Four by eight  
 15 that you have to have posts on both sides, both ends  
 16 and something -- it's good if you got something in  
 17 the middle to kind of keep them stationary.  
 18 Q. Were they vandalized?  
 19 A. Somebody took a box cutter and just cut  
 20 them. It was in white areas, too.  
 21 Q. Did you report those acts to the police?  
 22 A. No, we didn't.  
 23 Q. Did you ever learn who did it?  
 24 A. No.  
 25 Q. Do you have -- strike that.

Page 71

Page 73

1 broke my ankle. Other than that I should have.  
 2 Q. What year would that have been?  
 3 A. I don't know. That was during the  
 4 timeframe that we were talking about, 2011 maybe  
 5 during the time of the election.  
 6 MR. McDUFF: Just for the record, your  
 7 record -- Ms. Lennov (sic) gave an affidavit saying  
 8 he did vote in 2011 in the general election.  
 9 MR. GRIFFIN: Okay.  
 10 MR. McDUFF: So I just -- for whatever  
 11 that's worth. I just wanted to make that clear.  
 12 BY MR. GRIFFIN:  
 13 Q. In 2015 you voted?  
 14 A. Yes.  
 15 Q. In 2007?  
 16 A. Yes.  
 17 Q. Now, you testified earlier that a lot of  
 18 things happened. I believe we were talking about  
 19 during the 2015 campaign. Do you remember that  
 20 testimony?  
 21 A. Yes, sir.  
 22 Q. I believe you testified that some signs  
 23 got cut up?  
 24 A. Uh-huh (affirmative response).  
 25 Q. And I didn't thoroughly investigate what

1 As we sit here today, is it fair to say  
 2 that you have no idea who did that?  
 3 A. Yes, I don't know who did it.  
 4 Q. Other than cutting up --  
 5 A. But it did not happen in the minority  
 6 areas.  
 7 Q. So it only happened -- would it be your  
 8 testimony that it only happened in Madison County?  
 9 A. In Bolivar.  
 10 Q. Now, in Bolivar, which precinct are we  
 11 talking about; do you recall?  
 12 A. No, I don't.  
 13 Q. Okay.  
 14 A. I had one other sign that's questionable.  
 15 They never could keep it up and that was in another  
 16 county. But where I actually had them cut with a  
 17 box cutter was -- it was across from -- and I do  
 18 have witnesses that it was cut. Somebody could  
 19 testify to that. But it was across from -- I'm  
 20 trying to think -- it was maybe on Stribling Road,  
 21 somewhere in that area. Across from, what's the  
 22 high school in Gluckstat? The high school? The  
 23 Mavericks.  
 24 MS. MIRACLE: Germantown.  
 25 A. Germantown. It's a vacant lot that sits

19 (Pages 70 to 73)

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Joseph Thomas 1/16/2019

Page 74

1 behind the football field in that area.  
 2 BY MR. GRIFFIN:  
 3 Q. Do you believe -- strike that.  
 4 Do you know if any other candidates had  
 5 similar complaints about signs being cut?  
 6 A. No, I don't know of any.  
 7 Q. So there could have been, you just don't  
 8 know?  
 9 A. Yeah.  
 10 Q. And you did not report this to the sheriff  
 11 or to the police?  
 12 A. No.  
 13 Q. What about -- I believe you testified  
 14 about some intimidating calls.  
 15 A. Yes. But getting back to the signs. I  
 16 had -- the sign that was on 14, and that would be  
 17 the intersection of 14 and 61, I had problems with  
 18 somebody just taking those down and putting them on  
 19 the ground. Same thing with Bolivar. The only one  
 20 I had that actually was with a box cutter that was  
 21 cut up into pieces and that's where I -- I  
 22 questioned that one. I was concerned about not so  
 23 much somebody taking it down, but cutting it up with  
 24 a box cutter. And that was the one across from  
 25 Germantown school.

Page 76

1 A. No, I didn't. And that was probably an  
 2 error on my part, but anyway.  
 3 Q. All in all, how many signs would you say  
 4 we're talking about?  
 5 A. I had two signs destroyed over there in  
 6 Madison.  
 7 Q. And how many did you have that were pulled  
 8 down?  
 9 A. Probably three or four, but I would put  
 10 them back up.  
 11 Q. Okay.  
 12 A. They weren't destroyed. Just we were  
 13 using little ties and just put new ties on them,  
 14 little pull things.  
 15 Q. So would you say it was a total of five  
 16 percent of your signs or --  
 17 A. I wouldn't say that much.  
 18 Q. One percent, two percent?  
 19 A. Yeah, something like that.  
 20 Q. A nominal amount?  
 21 A. Yeah.  
 22 Q. Okay.  
 23 A. What concerned me was mainly, was somebody  
 24 taking a box cutter. Because you could tell the  
 25 cuts were straight. Somebody had taken a cutter and

Page 75

1 Q. But the other ones were -- you said they  
 2 laid them down?  
 3 A. Yeah. Every time I put them up they'd  
 4 take them down.  
 5 Q. Okay. Could you tell whether or not they  
 6 had been pulled up out of the ground or --  
 7 A. No, the stakes would still be there. You  
 8 know the stakes.  
 9 Q. The stakes would be standing up, but the  
 10 sign would be down?  
 11 A. The sign would be down. Uh-huh  
 12 (affirmative response).  
 13 Q. It would be gone or it would just be down?  
 14 A. Down or -- you know, down.  
 15 Q. Could you tell definitively whether they  
 16 had been intentionally removed or whether they had  
 17 -- the wind --  
 18 A. I think they were intentionally. Because,  
 19 you know, we had people going through and they would  
 20 see them and somebody had been taking them down. but  
 21 they didn't destroy -- the only signs I had  
 22 destroyed, you know, that I couldn't use no more was  
 23 the Madison.  
 24 Q. And you didn't report any of this to law  
 25 enforcement?

Page 77

1 cutting my signs up. I didn't like that.  
 2 Q. I understand. In terms of the  
 3 intimidating calls, what happened with that?  
 4 A. We had -- we have our calls forwarded from  
 5 my home phone to my wife's cell phone. And we would  
 6 be on the road campaigning and it was -- it was the  
 7 same person it looked like that just kept calling.  
 8 And I think she -- I don't know whether she had it  
 9 traced or whatever. But she found out it coming from  
 10 the delta, Rosedale or somewhere up in that area.  
 11 But the person basically would tell --  
 12 would want to talk to me. Basically the person  
 13 would say something like, you know, you ought to get  
 14 out of the race, but I can help you if you get out  
 15 the race, stuff like that.  
 16 They would say your son has a trespassing  
 17 -- what is it when somebody go to the police  
 18 department and they file a warrant or something, a  
 19 trespassing warrant. They said your son, he's going  
 20 to be arrested, you need to go on and get out of the  
 21 race. You know, stuff like that. And he just kept  
 22 calling and kept calling. And I didn't -- we didn't  
 23 turn that over to the police. We was busy and we  
 24 didn't want to get distracted. And it wasn't no  
 25 cursing words, just conversation, conversation. And

20 (Pages 74 to 77)



Joseph Thomas 1/16/2019

Page 78

Page 80

1 I told him the second, maybe third or fourth time to  
 2 stop calling me. I said, if my son has an affidavit  
 3 then the police need to arrest him.  
 4 Q. Did you save the telephone number?  
 5 A. I think she probably can get the numbers.  
 6 She can go back off the record. I'm sure she can  
 7 get that, hopefully.  
 8 Q. Why didn't you call the police?  
 9 A. Well, it wasn't anything harassing. It  
 10 was harassing, but it wasn't --  
 11 Q. Threatening?  
 12 A. -- threatening to the extent that I'm  
 13 going to do something to you. They supposed to been  
 14 trying help me. Come to find out with my son, it  
 15 was -- he had a girlfriend or something and she had  
 16 filed a trespassing something, but she dropped it.  
 17 She said it wasn't nothing to it. They was just  
 18 arguing and I think he had gone by the house and was  
 19 on the porch or something and ended up she had filed  
 20 a trespassing for him not to come back.  
 21 Q. How old is he or was he at the time?  
 22 A. Forty years old.  
 23 (Laughter.)  
 24 Q. Okay.  
 25 A. I told the gentleman, I said -- he just

1 Is it your brief that the districts in the  
 2 Delta should be apportioned so that you have  
 3 majority white and majority black districts?  
 4 A. The Delta is black.  
 5 Q. So is it your position that the --  
 6 A. Let's look at this -- look at the state.  
 7 Do we have a black governor, lieutenant governor or  
 8 do we have a black commission of insurance? Do we  
 9 have a black -- I'm just throwing some things out,  
 10 transportation commission, public service  
 11 commission, all those positions are white, yet we're  
 12 comprised of 40 percent of the state population.  
 13 So if you look at the Delta, so you don't  
 14 want us to have those senate seats that's supposed  
 15 to be black? You want to take those too?  
 16 Q. So is it your position that based on the  
 17 politics, statewide politics that the Delta  
 18 districts should be majority black?  
 19 MR. McDUFF: Object to the form.  
 20 A. If you cannot win where the black people  
 21 live, where can you live at -- where can you win at?  
 22 You can't win a black district, a white going to win  
 23 that. So we might as well just pack up and don't  
 24 vote.  
 25 Q. Now you say you worked with Clark. Have

Page 79

Page 81

1 wanted me to get out the race. He said, you need to  
 2 go on and get out because your son is going to jail.  
 3 I said, well, tell them to go on and get him and  
 4 take him to jail.  
 5 But anyway, I don't know where that was  
 6 coming from. I bought that up to say that it was a  
 7 difficult election. It wasn't the usual -- it  
 8 wasn't like one I had had before.  
 9 Q. What happened in the one you'd had before?  
 10 A. Well, it was a black -- see blacks can run  
 11 against blacks and you don't get all this. Looked  
 12 like when I ran against the Chairman of the  
 13 Appropriations Committee I started having problems.  
 14 Q. What other problems?  
 15 A. And that takes it back to race. When you  
 16 cut my signs up, I don't like that. Now, I don't  
 17 know who cut the signs up. I'm not saying he did or  
 18 nothing. And I worked with him in the legislature.  
 19 I don't have any problems with him and we worked  
 20 together good. He's a good man. But I don't think  
 21 that he should be in that the seat, whether I run or  
 22 get back in there or not, it's a black district.  
 23 Q. Got you.  
 24 And it's your belief that the district --  
 25 strike that.

1 you ever had occasion -- you worked with him in the  
 2 senate?  
 3 A. What Clark?  
 4 Q. I'm sorry --  
 5 A. Talking about Buck Clark?  
 6 Q. Yeah, Buck?  
 7 A. Yes.  
 8 Q. But have you ever had the occasion to need  
 9 to call him for constituent services while he's been  
 10 the senator? I mean, did you need to call him for  
 11 something just as a constituent?  
 12 A. No, I hadn't called him as constituent.  
 13 No.  
 14 Q. Would you have any reservation in doing --  
 15 A. No.  
 16 Q. -- so if you needed to?  
 17 A. No. If I needed to call him, I would call  
 18 him. We were freshmen together in -- none of this  
 19 is personal. And it goes back to common interest  
 20 and bond and all that.  
 21 When we have been, as a race of people,  
 22 we've been deprived of services and having senators  
 23 in our community and having representatives and  
 24 senators and people of those nature, we don't have  
 25 them in the Delta. I think the whites are well

21 (Pages 78 to 81)

Jackson  
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New Orleans

Joseph Thomas 1/16/2019

Page 82

1 represented all over the state.  
 2 So, you know, if you cannot have a  
 3 minority senator or representative in these  
 4 counties, especially the counties in the Delta --  
 5 but you need somebody that's available.  
 6 For instance, if you call 90 percent of  
 7 the people, in some cases it might be a hundred  
 8 percent in some of these areas, they don't know who  
 9 their senator is and never met him. Never been to a  
 10 meeting, never been to a organization, never been  
 11 to -- you know, that's where the common bond  
 12 interest I was talking about. You need to know your  
 13 senator, know your representative.  
 14 MR. GRIFFIN: Tender the witness.  
 15 MR. McDUFF: I have no questions at this  
 16 time.

(End of Proceedings.)

(Time Noted: 3:28 p.m.)

SIGNATURE/NOT WAIVED

ORIGINAL: CHARLES GRIFFIN, ESQ.

Page 84

## CERTIFICATE OF COURT REPORTER

1 I, Lori W. Busick, Court Reporter and  
 2 Notary Public, in and for the State of Mississippi,  
 3 hereby certify that the foregoing contains a true  
 4 and correct transcript of the testimony of Joseph  
 5 Thomas, as taken by me in the aforementioned matter  
 6 at the time and place heretofore stated, as taken by  
 7 stenotype and later reduced to typewritten form  
 8 under my supervision by means of computer-aided  
 9 transcription.  
 10

11 I further certify that under the authority  
 12 vested in me by the State of Mississippi that the  
 13 witness was placed under oath by me to truthfully  
 14 answer all questions in the matter.

15 I further certify that, to the best of my  
 16 knowledge, I am not in the employ of or related to  
 17 any party in this matter and have no interest,  
 18 monetary or otherwise, in the final outcome of this  
 19 matter.

20 Witness my signature and seal this the  
 21 24th day of January, 2018.  
 22



Lori W. Busick

24 My Commission Expires:  
 25 August 22, 2022

Page 83

## CERTIFICATE OF DEPONENT

1 DEPONENT: Joseph Thomas  
 2 DATE: January 16, 2019  
 3 CASE STYLE: Thomas, et al vs. Phil Bryant, et al  
 4 ORIGINAL TO: Charles Griffin, Esq.

5 I, the above-named deponent in the  
 6 deposition taken in the herein styled and numbered  
 7 cause, certify that I have examined the deposition  
 8 taken on the date above as to the correctness  
 9 thereof, and that after reading said pages, I find  
 10 them to contain a full and true transcript of the  
 11 testimony as given by me.

12 Subject to those corrections listed below,  
 13 if any, I find the transcript to be the correct  
 14 testimony I gave at the aforesaid time and place.

Page	Line	Comments
15	1	
16	2	
17	3	
18	4	
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This the \_\_\_\_ day of \_\_\_\_\_, 2019.

Joseph Thomas

State of Mississippi

County of \_\_\_\_\_

Subscribed and sworn to before me, this the  
\_\_\_\_ day of \_\_\_\_\_, 2019.

My Commission Expires:

\_\_\_\_\_  
Notary Public

22 (Pages 82 to 84)

Jackson  
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New Orleans





IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOSEPH THOMAS; VERNON AYERS;  
and MELVIN LAWSON

PLAINTIFFS

v.

CIVIL ACTION NO. 3:18-cv-441-CWR-FKB

PHIL BRYANT, Governor of the State of  
Mississippi; DELBERT HOSEMANN,  
Secretary of State of the State of Mississippi;  
and JIM HOOD, Attorney General of the  
State of Mississippi, all in their official capacities  
of their own offices and in their official capacities  
as members of the State Board of Election Commissioners

DEFENDANTS

NOTICE OF DEPOSITION

Please take notice that the Defendants will take the deposition of **JOSEPH THOMAS**,  
by and through their counsel of record, on **Wednesday, January 16, 2019, beginning at 1:00**  
**p.m.**, at the offices of Robert McDuff, 767 N. Congress Street, Jackson, MS 39202.

The deposition will be taken upon oral examination before a court reporter or other  
officer authorized to administer oath. The deposition will continue from day-to-day thereafter  
until completed. Counsel for the parties are invited to attend and participate as appropriate under  
the law.

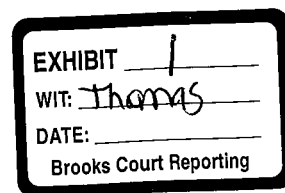
THIS the 14<sup>th</sup> day of January, 2019.

Respectfully submitted,

Governor Phil Bryant, Secretary of State Delbert  
Hosemann, and Attorney General Jim Hood in their  
official capacities of their respective offices and in  
their official capacities as members of the State  
Board of Election Commissioners

BY: /s/ Charles E. Griffin  
CHARLES E. GRIFFIN (MB #5015)

ONE OF ITS ATTORNEYS



OF COUNSEL:

BUTLER SNOW LLP  
Suite 1400  
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Ridgeland, MS 39158-6010  
Tel: (601) 985-4583  
Fax: (601) 985-4500  
E-mail: charles.griffin@butlersnow.com

**CERTIFICATE OF SERVICE**

I, Charles E. Griffin, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED this, the 14<sup>th</sup> day of January, 2019.

/s/ Charles E. Griffin

CHARLES E. GRIFFIN

08/20/2012

Mr. Chris Herron  
Chief, Voting-Civil Rights Division  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenues, N W  
Washington, D C 20530

Dear Mr. Herron,

This letter is a request for the Department of Justice to look hard at the Mississippi Senate Redistricting plan. This plan has violated section 5 and 2 of the Voting Right Bill. Please take a look at District 21, 22, 34, City of Yazoo MS, and the overall plan that reduce blacks voting strength.

**Fact:**

Mississippi has over 37% black population with a large percentage being in the Mississippi Delta. District 21 was moved out of Yazoo City which was the beginning of the Mississippi Delta. Yazoo City was in District 21 which had a 66.02% - 18+BLK. Now the new State Plan reduces Yazoo City to a 50.77, which will not allow us to elect a black. District 22 is 50.77% black. This district consists of all black towns and cities in the Mississippi Delta. This includes Hollandale, Belzoni, Louise, Isola, Rolling folk, Yazoo City and many other smaller towns. Most of these cities and towns are over 80 to 90% Black. Example- Yazoo City's population is around 11,000-85% black with a black Mayor and four out of five black Aldermen.

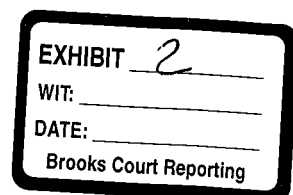
Mississippi's plan says District 22 is one of the 15 black senate Districts. They failed to tell that it is a Federal Prison in Yazoo City with a population way over 2000 inmates. These inmates cannot vote and will make this district fall below 50% black. The Senator in this District is white and lives in Hollandale a majority black city and no black has been able to win in this district. The reason is they all way go out of the community of common interest to fine white voters when they have enough black voters in these cities and towns. District 22 denies black voters by going over 80 miles from a white Senator's hometown, a rural community to an urban community in Madison County- (Gluckstadt MS) - nine miles from Jackson, Mississippi the State Capital. This area is an upscale white community, with no common interest to the very poor Mississippi Delta.

Finally, the State Plan clearly reduces over 17 impact districts with 30 to 40% black population. These districts were doing well and had influences with numbers.

Once again please do not approve Mississippi's plan.

Sincerely,

  
Joseph C. Thomas



Chief, Voting Section-Civil Rights Division

Room 7254-NWB Department of Justice

950 Pennsylvania Ave, NW.

Washington, D C 20530

Dear Department of Justice,

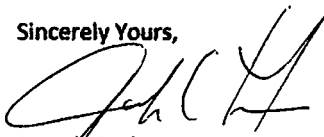
This letter is a request for the Department of Justice to look hard at the Mississippi Senate Plan- "Composite2" when it come to you for pre- approval. This Plan has taken majority black Cities and Towns in the Mississippi Delta and reduced their voting rights by adding white's voters that do not live In the Mississippi Delta. This plan will reduce the number of black senators in our state. Mississippi is about 40% black and the plan call for 13 senators and two more districts with a %18+, 50.36 and 50.29. These two district uses Delta voters for example- current district 21 is a 66% black it includes Yazoo City- County. The Proposed new Senate Plan takes Yazoo out of 21 and places it in 22. This is regression for Yazoo City and county - being in a 66% district and now in a 50.36 % District. Both proposed district 22 and 29 are not winnable districts by using any standards, they were set up to keep the number of black Senators at 13, while saying they have 15 black districts.

Yazoo City is over 80% black and Yazoo County has over 50% black and the census will indicate we held our population well during the last ten years. The Senate plan will cut Yazoo In to two Senate Districts and both are not winnable for blacks- example: 50.36% black and 41.50% blacks.

The Senate Plan will take four large Majority Black Counties and place Gluckstadt in Madison County, a white community 9 miles from Jackson metropolitan areas with no common interest to the Delta. They also gave this district the highest deviation of 2,777 or 4.88%.

Once again, please look hard at this plan to protect our voting rights.

Sincerely Yours,



Joseph C. Thomas

